Supreme Court, U.S.
FILED
JUN 20 2017
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AND
BRIEFS

No. 16-499

IN THE

Supreme Court of the United States

JOSEPH JESNER et al.,

Petitioners,

v.

ARAB BANK, PLC,

Respondent.

On Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

JOINT APPENDIX
VOLUME I OF II

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Petition for Writ of Certiorari Filed: October 5, 2016
Certiorari Granted: April 3, 2017

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* * *

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
Almog et al. v. Arab Bank, PLC
Case No. 1:04-cv-05564

RELEVANT DOCKET ENTRIES

Date Filed	**#**	**Docket Text**
12/21/2004	1	COMPLAINT against Arab Bank, PLC filing fee $ 150, receipt number 303529, filed by all plaintiffs. (Attachments: # 1 Civil Cover Sheet) (Villanueva, William) (Entered: 01/06/2005)
12/21/2004		Summons Issued as to Arab Bank, PLC. (Villanueva, William) (Entered: 01/06/2005)
02/25/2005	7	AMENDED COMPLAINT *First Amended Complaint* against Arab Bank, PLC, filed by Almog et al..(Elsner, Michael) (Entered: 02/25/2005)
07/22/2005	42	Notice of MOTION to Dismiss *the First Amended Complaints* by all defendants. (Attachments: #1 MEMORANDUM OF LAW by Arab Bank PLC in Support of its Motions to Dismiss the First Amended Complaints #2 3.? ATTACHMENT (PART 1 OF 2) by Arab Bank PLC to its MEMORANDUM OF LAW in Support of its Motions to

		Dismiss the First Amended Complaints # 3 ATTACHMENT (PART 2 OF 2) by Arab Bank PLC to its MEMORANDUM OF LAW in Support of its Motions to Dismiss the First Amended Complaints # 4 Declaration of ERIC A. POSNER by Arab Bank PLC in Support of its Motions to Dismiss the First Amended Complaints # 5 CERTIFICATE OF SERVICE by counsel for Arab Bank PLC attesting to service of its Motions to Dismiss the First Amended Complaints # 6 OPPOSITION MEMORANDUM OF LAW by Plaintiffs Opposing Arab Bank PLC's Motions to Dismiss the First Amended Complaints# 7 Declaration of RUTH WEDGWOOD by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 8 Declaration of YORAM DINSTEIN by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 9 Declaration of MARK A. DRUMBL by Plaintiffs in Support of their Opposition to Arab Bank PLC's

		Motions to Dismiss the First Amended Complaints # 10 Declaration of ASHER SUSSER by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 11 EXHIBITS 1 through 11 to the Declaration of ASHER SUSSER by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 12 Declaration of GAVRIEL MAIRONE by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 13 Declaration of ALON TAITELMAN by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 14 SERVICE LIST by Plaintiffs? counsel describing service of its Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 15 REPLY MEMORANDUM OF LAW by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints # 16 Second Declaration of ERIC A. POSNER

		by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints # 17 Declaration of STEFAN A. TALMON by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints # 18 Declaration of HAMZEH AHMAD HADDAD by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints) (Walsh, Kevin) (Entered: 07/22/2005)
10/20/2005	75	Letter from Kevin Walsh to Honorable Nina Gershon Regarding Request to Serve and File the Supplemental Declaration of Stefan Talmon. (Attachments: # 1 Second Declaration of Stefan Talmon) (Walsh, Kevin) (Entered: 10/20/2005)
11/03/2005	78	Letter from Ronald L. Motley to Honorable Nina Gershon Regarding Kevin Walsh letter of October 20, 2005. (Eubanks, John) (Entered: 11/03/2005)
11/21/2005	84	Letter from Kevin Walsh to Honorable Nina Gershon Regarding Notice of Supplemental Authority Regarding Pending Motions to Dismiss. (Attachments: # 1 Decision Issued in Doe v. State of

		Israel) (Walsh, Kevin) (Entered: 11/21/2005)
11/28/2005	85	Letter from Michael Elsner to Honorable Nina Gershon Regarding November 21, 2005 Letter from Kevin Walsh (Docket #84) Concerning Supplemental Authority in Pending Motions to Dismiss. (Elsner, Michael) (Entered: 11/28/2005)
12/16/2005	95	Letter from Kevin Walsh to Honorable Nina Gershon Regarding request to file a supplemental brief with respect to the political question doctrine. (Attachments: # 1 Complaint: Doe v. State of Israel# 2 Complaint: Matar v. Dichter) (Walsh, Kevin) (Entered: 12/16/2005)
12/20/2005	96	Letter from Michael Elsner, on behalf of Plaintiffs, to the Honorable Nina Gershon Regarding Defendant's supplemental briefing request letter dated 12-16-05. (Attachments: # 1 Exhibit) (Elsner, Michael) (Entered: 12/20/2005)
07/07/2006	170	Letter *from K. Walsh to The Honorable N. Gershon Re: Recent Stutts Decision* by Arab Bank, PLC. (Attachments: # 1 Decision in Stutts v. De

		Dietrich Group) (Walsh, Kevin) (Entered: 07/07/2006)
07/12/2006	171	SCHEDULING ORDER. Counsel are directed to appear for oral argument on July 31, 2006 at 11:00 a.m. in Courtroom 6D. Plaintiffs are to file any rebuttal papers regarding the Declaration of Stefan Talmon by July 25, 2006.(Signed by Judge Nina Gershon on 07/12/06). (Coward, Nicole) (Entered: 07/12/2006)
07/18/2006	173	Letter *from Michael E. Elsner to the Honorable Nina Gershon re: K. Walsh letter of July 7, 2006 regarding the recent Stutts opinion* by Almog et al. (Eubanks, John) (Entered: 07/18/2006)
07/25/2006	182	Letter *from K. Walsh to The Honorable Nina Gershon Re: Amicus Briefs filed in Khulumani v. Barclay Nat'l Bank & Vietnam Association for Victims of Agent Orange v. Dow Chemical Co.* by Arab Bank PLC. (Attachments: # 1 Ex. A - Khulumani Brief # 2 Ex. B - VAVAO Brief) (Walsh, Kevin) (Entered: 07/25/2006)
07/25/2006	183	Letter *from Michael E. Elsner to the Honorable Nina Gershon Regarding Supplemental Declaration of Ruth Wedgwood*

		Pursuant to July 12, 2006 Order by Almog et al. (Attachments: # 1 Exhibit A - Wedgwood Supplemental Declaration) (Eubanks, John) (Entered: 07/25/2006)
07/28/2006	188	Letter *to the Honorable Judge Gershon re amicus briefs* by Almog et al. (Elsner, Michael) (Entered: 07/28/2006)
07/31/2006	189	NOTICE by Almog et al. *Notice of Errata Regarding June 14, 2005 Declaration of Ruth Wedgwood* (Eubanks, John) (Entered: 07/31/2006)
08/01/2006	190	Letter *from K. Walsh to the Honorable N. Gershon regarding the Transcript of the 7.31.06 Oral Argument and "Comments on Protocol I" by Y. Dinstein* by Arab Bank PLC. (Attachments: # 1 Enclosure 1- July 31, 2006 Transcript of Oral Argument Before the Honorable N. Gershon # 2 Enclosure 2- Comments on Protocol I by Y. Dinstein) (Walsh, Kevin) (Entered: 08/01/2006)
08/03/2006	192	Letter *from K. Walsh to the Honorable N. Gershon regarding July 31, 2006 oral argument* by Arab Bank PLC. (Attachments: # 1 Exhibit Matar, et al. v. Dichter Order # 2 Exhibit Letter from T. Long (Senior Deputy

		Comptroller, OCC) to M. Elsner) (Walsh, Kevin) (Entered: 08/03/2006)
08/09/2006	195	Letter by Almog et al. (Elsner, Michael) (Entered: 08/09/2006)
08/10/2006	196	TRANSCRIPT of Proceedings/ Oral Argument held on 7/31/06 before Judge Gershon. Court Reporter: Shelly Silverman. (74 pages) (Guzzi, Roseann) (Entered: 08/10/2006)
09/12/2006	210	Letter *from K. Walsh to the Honorable N. Gershon regarding recent development in Estate of Yaron Ungar et al. v. Palestinian Authority et al.* by Arab Bank PLC. (Attachments: # 1 September 6, 2006 Letter from Judge G. Kessler to The Honorable John B. Bellinger II Re: The Estate of Yaron Ungar et al. v. Palestinian Authority et al.)(Walsh, Kevin) (Entered: 09/12/2006)
11/29/2006	242	Letter *from K. Walsh to Judge Gershon Re: the Statement of Interest of the United States of America in Matar v. Dichter* by Arab Bank PLC. (Attachments: # 1 Statement of Interest of the United States of America in Matar v. Dichter) (Walsh, Kevin) (Entered: 11/29/2006)
01/12/2007	263	Letter *from Kevin Walsh to Judge Gershon regarding Arab*

		Bank's Motion to Dismiss claims under Alien Tort Statute by Arab Bank PLC (Attachments: # 1 Exhibit Saperstein v. The Palestinian Authority, et al. Decision) (Walsh, Kevin) (Entered: 01/12/2007)
01/29/2007	267	OPINION AND ORDER: Granting in part and denying in part defendant's motion to dismiss. Ordered by Judge Nina Gershon on 1/29/07. (Garzon, Amy) (Entered: 01/29/2007)
01/29/2007	268	Letter *from Michael E. Elsner to Magistrate Judge Pohorelsky regarding Judge Gershon's January 29, 2007 Opinion and Order and discovery issues* by Almog et al. (Attachments: # 1 Exhibit Exhibit A) (Eubanks, John) (Entered: 01/29/2007)
02/09/2007	274	SCHEDULING ORDER: The parties are directed to file with the court a joint status report by February 16, 2007. A status conference will be held on February 21, 2007 at 3:00 p.m. in courtroom 6D. Ordered by Judge Nina Gershon on 2/9/07. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Garzon, Amy) (Entered: 02/09/2007)
02/16/2007	279	STATUS REPORT *Joint Status Report* by Arab Bank, PLC (Attachments: # 1 March 24,

		2006 Scheduling Order # 2 April 28, 2006 Scheduling Order # 3 August 31, 2006 Order # 4 February 1, 2007 Minute Entry) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 02/16/2007)
03/30/2007	315	SEALED DOCUMENT PLACED IN VAULT. Deft's Answer to the First Amended Complaint. Ordered sealed by Judge Gershon, dated 4/2/07. (Fernandez, Erica) (Entered: 04/03/2007)
04/10/2007	322	Notice of MOTION for Certificate of Appealability *of the January 29, 2007 Opinion and Order* by Arab Bank PLC. (Attachments: # 1 Arab Bank's Memorandum of Law in Support of its Motion for Certification of an Interlocutory Appeal) **PLEASE DISREGARD DOCUMENT # 321** (Walsh, Kevin) (Entered: 04/10/2007)
04/10/2007	323	RESPONSE in Opposition re 322 Notice of MOTION for Certificate of Appealability *of the January 29, 2007 Opinion and Order* filed by Oran Almog. (Walsh, Kevin) (Entered: 04/10/2007)
04/10/2207	324	REPLY to Response to Motion re 322 Notice of MOTION for Certificate of Appealability *of*

		the January 29, 2007 Opinion and Order filed by Arab Bank PLC. (Walsh, Kevin) (Entered: 04/10/2007)
05/07/2007	359	ORDER denying Motion for Certificate of Appealability. Ordered by Judge Nina Gershon on May 7, 2007. (Keifer, Emily) (Entered: 05/07/2007)
10/22/2008		SCHEDULING ORDER: Oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint will be heard on December 5, 2008, directly after oral argument is heard on the third-party defendants' motions to dismiss the third party complaints and plaintiffs' motion to strike the third party complaints. The court notes that the issue presented by this motion in Jesner, what limitations period applies to ATS claims, arises in other related cases and that some of the plaintiffs in these other cases are represented by counsel different from the Jesner plaintiffs' counsel. For that reason, if any plaintiffs' counsel wishes to make arguments different from the arguments advanced by the Jesner plaintiffs' counsel with regard to this issue, counsel are directed to

		serve and file papers by November 7, 2008. Arab Bank is directed to submit its response by November 21, 2008. The sole issue to be addressed in this briefing should be the length of the limitations period applicable to ATS claims. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
10/22/2008		SCHEDULING ORDER: In response to the parties' correspondence regarding Arab Bank's intended motion to dismiss the complaint in Lev et al v. Arab Bank (08-CV-3251), Arab Bank is directed to move by November 12, 2008; the Lev plaintiffs shall serve their opposition by December 3, 2008; and Arab Bank shall serve its reply and file the fully briefed motion by December 15, 2008. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
11/08/2008	550	NOTICE by Almog et al., Afriat-Kurtzer Plaintiffs re Scheduling Order, *Almog, Afriat-Kurtzer, and Lev Plaintiffs' Supplemental Brief on the Limitations Period*

		Applicable to Alien Tort Statute Claims (served on all parties 11/7/2008; CM/ECF down 11/7/2008 to 11/8/2008) Associated Cases: 1:04-cv-02799-NG-VVP, 1:04-cv-05564-NG-VVP, 1:05-cv-00388-NG-VVP, 1:06-cv-03869-NG-VVP (Eubanks, John) (Entered: 11/08/2008)
11/21/2008	551	MEMORANDUM in Opposition *to the Supplemental Brief of the Almog, Afriat-Kurtzer and Lev Plaintiffs on the Limitations Period Applicable to Alien Tort Statute Claims* filed by Arab Bank, PLC. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 11/21/2008)
12/05/2008	556	Minute Entry for proceedings held before Senior Judge Nina Gershon: Oral Argument held on 12/5/2008 on the third-party defendants' motions to dismiss the third party complaints and plaintiffs motion to strike the third party complaint, and oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint both heard on the record. The Court's decision is reserved (Court Reporter Marie Foley.) Associated Cases: 1:04-cv-02799-

		NG-VVP et al. (Fernandez, Erica) (Entered: 12/12/2008)
04/19/2011	764	Letter *requesting dismissal of Alien Tort Statute claims pursuant to controlling decision issued by the Court of Appeals for the Second Circuit in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010)* by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Walsh, Kevin) (Entered: 04/19/2011)
04/19/2011	765	Letter *of John Eubanks in response to letter of Kevin Walsh dated April 19, 2011* by Almog et al. (Eubanks, John) (Entered: 04/19/2011)
04/21/2011	766	ORDER re 764 Letter, filed by Arab Bank, PLC; This court is in receipt of defendant Arab Bank's letter dated April 19, 2011, requesting dismissal of all pending Alien Tort Statue ("ATS") claims in the above captioned cases, based on the Second Circuit's recent decision in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), and plaintiffs' response dated April 20, 2011. The plaintiffs request full briefing on the issue. This court

		agrees that any application for dismissal should be by formal motion. The parties should agree on a briefing schedule. However, in light of the pending petition for writ of certiorari in Kiobel, and the need for the efficient use of resources both of the parties and the court, the parties are directed to set a briefing schedule that follows a final determination of Kiobel by the Supreme Court. Ordered by Senior Judge Nina Gershon on 4/21/2011. (Fernandez, Erica) (Entered: 04/21/2011)
04/24/2003	950	Minute Entry for proceedings held before Judge Nina Gershon: Motion Hearing held on 4/24/2013. Oral argument on defendant's motion for summary judgment. Summary judgment is granted dismissing plaintiffs' claim for aiding and abetting. Summary judgment is denied as to all other remaining claims for the reasons stated on the record, except that decision on the conspiracy claim is reserved. The parties are to file a pretrial order with the court by June 24, 2013. A briefing schedule for the Banks motion to dismiss as to ATS claims was set. Any motion must be served by May 24, 2013.

		Plaintiffs' opposition must be served by July 8, 2013. Defendants reply must be served and all papers filed by August 2, 2013. (Court Reporter Victoria Torres Butler.) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Joe, Victor) Modified on 4/30/2013 (Joe, Victor). (Entered: 04/30/2013)
07/05/2013	983	Letter *from Douglas W. Mateyaschuk to Hon. Brian M. Cogan regarding Defendant Arab Banks Motion to Dismiss Plaintiffs ATS Claims* by Arab Bank PLC (Attachments: # 1 Notice of Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 2 Memorandum of Law in Support of Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 3 Declaration of Douglas Walter Mateyascuk, II, # 4 Exhibit 1, # 5 Exhibit 2 (Filed Under Seal), # 6 Exhibit 3 (Filed Under Seal), # 7 Exhibit 4 (Filed Under Seal), # 8 Exhibit 5 (Filed Under Seal), # 9 Exhibit 6 (Filed Under Seal), # 10 Exhibit 7 (Filed Under Seal), # 11 Exhibit 8 (Filed Under Seal), # 12 Exhibit 9 (Filed

		Under Seal), # 13 Exhibit 10 (Filed Under Seal), # 14 Exhibit 11 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/05/2013	984	EXHIBIT *2 - 10 (Filed Under Seal)* by Arab Bank PLC. Related document: 983 Letter, filed by Arab Bank PLC. (Attachments: # 1 Exhibit 3 (Filed Under Seal), # 2 Exhibit 4 (Filed Under Seal), # 3 Exhibit 5 (Filed Under Seal), # 4 Exhibit 6 (Filed Under Seal), # 5 Exhibit 7 (Filed Under Seal), # 6 Exhibit 8 (Filed Under Seal), # 7 Exhibit 9 (Filed Under Seal), # 8 Exhibit 10 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/08/2013	985	MEMORANDUM in Opposition re 983 Letter, *Plaintiffs' Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute* filed by All Plaintiffs. (Attachments: # 1 Declaration Declaration of John M. Eubanks In Support of Plaintiffs' Memorandum of Law In Opposition, # 2 Exhibit Ex. 1 - Declaration of Ralph G. Steinhardt, # 3 Exhibit Ex. 2 -

		Declaration of Ruth Wedgwood, # 4 Exhibit Ex. 3 - Declaration of Jennifer Green and Michael J. Bazyler, # 5 Exhibit Ex. 4 - Expert Report of Wayne D. Geisser with Exhibit A, # 6 Exhibit Ex. 5 - Arab Bank transactional documents, # 7 Exhibit Ex. 6 - Responses and Objections of Defendant Arab Bank PLC to Plaintiffs' Amended First Set of Joint Interrogatories, # 8 Exhibit Ex. 7 - Declaration of Shukry Bishara, # 9 Exhibit Ex. 8 - Fazwan Shukry Deposition Transcript Excerpts, # 10 Exhibit Ex. 9 - Saudi Committee transactional documents, # 11 Exhibit Ex. 10 - OCC Consent Order, # 12 Exhibit Ex. 11 - FinCEN Assessment of Civil Money Penalty, # 13 Exhibit Ex. 12 - Clinton Statement, # 14 Exhibit Ex. 13 - Jordanian letter to State Department) (Eubanks, John) (Entered: 07/08/2013)
07/08/2013	986	MEMORANDUM in Opposition re 983 Letter, *Plaintiffs' REDACTED Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien*

		Tort Statute filed by All Plaintiffs. (Attachments: # 1 Redacted Declaration of John M. Eubanks, # 2 Ex. 1 - Declaration of Ralph G. Steinhardt, # 3 Ex. 2 - Declaration of Ruth Wedgwood, # 4 Ex. 3 - Declaration of Jennifer Green and Michael J. Bazyler, # 5 Ex. 4 - Expert Report of Wayne D. Geisser with Exhibit A (Filed Under Seal), # 6 Ex. 5 - Arab Bank transactional documents (Filed Under Seal), # 7 Ex. 6 - Arab Bank Interrogatory Responses (Filed Under Seal), # 8 Ex. 7 - Declaration of Shukry Bishara, # 9 Ex. 8 - Fazwan Shukry Deposition Transcript Excerpts (Filed Under Seal), # 10 Ex. 9 - Saudi Committee transactional documents (Filed Under Seal), # 11 Ex. 10 - OCC Consent Order, # 12 Ex. 11 - FinCEN Assessment of Civil Money Penalty, # 13 Ex. 12 - Clinton Statement, # 14 Ex. 13 - Jordanian letter to State Department) (Eubanks, John) (Entered: 07/08/2013)
08/12/2013	995	REPLY in Support re 983 Letter, *Reply Memorandum Of Law In Further Support Of Defendant Arab Bank PLC's Motion To Dismiss Claims Asserted By*

		Plaintiffs Pursuant To The Alien Tort Statute filed by Arab Bank PLC. (Attachments: # 1 Declaration of Douglas W. Mateyaschuk, II In Further Support of Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute, # 2 Exhibit 1 - Amicus Brief for Hashemite Kingdom of Jordan) (Walsh, Kevin) (Entered: 08/12/2013)
08/22/2013	1001	Letter *from Kevin Walsh to Hon. Brian M. Cogan supplying supplemental authority in support of the Bank's motion to dismiss all pending ATS claims* by Arab Bank PLC (Attachments: # 1 Balintulo v. Daimler, 09-2778(L) (2d Cir. filed Aug. 21, 2013)) (Walsh, Kevin) (Entered: 08/22/2013)
08/23/2013		Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. *See Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *aff'd, Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and

		until it is overruled by the Court en banc or by the Supreme Court." *Baraket v. Holder*, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed *Kiobel I* on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626. Associated

		Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy) (Entered: 08/23/2013)
10/15/2013	1007	Letter *[Corrected] from Shand S. Stephens to Hon. Brian M. Cogan requesting the entry of final judgment for Defendant with regard to the ATS claims* by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Stephens, Shand) (Entered: 10/15/2013)
10/15/2013		ORDER. The Clerk of Court is directed to enter a partial final judgment under Rule 54(b) dismissing plaintiffs' claims under the Alien Tort Statute. The Court certifies that its disposition of those claims presents no just reason for delay. Ordered by Judge Brian M. Cogan on 10/15/2013. (Weisberg, Peggy) (Entered: 10/15/2013)
10/16/2013	1008	PARTIAL CLERK'S JUDGMENT. ORDERED and ADJUDGED that a partial final judgment is hereby entered dismissing Plaintiffs' claims under the Alien Tort Statute pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Ordered by Clerk of Court on 10/16/2013. (Siegfried, Evan) (Entered: 10/16/2013)

11/07/2013	1011	NOTICE OF APPEAL as to 1008 Clerk's Judgment, by **All Plaintiffs with Claims under the Alien Tort Statute Who Are Not Listed a Party Plaintiff on CM/ECF**, Liron Abarban, et al. Filing fee $ 455, receipt number 0207-6543310. Appeal Record due by 11/21/2013. (Attachments: # 1 Exhibit A - ATS Plaintiffs-Appellants, # 2 Exhibit B - Non-Appealing Plaintiffs) (Eubanks, John) Modified on 11/14/2013 (Marziliano, August). (Entered: 11/07/2013)
11/07/2013		Electronic Index to Record on Appeal sent to US Court of Appeals. 1011 Notice of Appeal. Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 11/07/2013)
11/14/2013	1013	Letter from *John M. Eubanks to the Clerk of the Court addressing docketing issues in Almog, et al. v. Arab Bank, PLC* by All Plaintiffs (Attachments: # 1 Exhibit A) (Eubanks, John) (Entered: 11/14/2013)

11/14/2013		***Party All Plaintiffs with Claims under the Alien Tort Statute Who Are Not Listed a Party Plaintiff on CM/ECF added. See Exhibit A to document 1013 for list of plaintiffs. (Marziliano, August) Modified on 11/14/2013 (Marziliano, August). (Entered: 11/14/2013)
05/24/2016	1368	MANDATE of USCA as to 1011 Notice of Appeal, filed by Nicholas Williams, et al. All Plaintiffs with Claims under the Alien Tort Statute Who Are Not Listed as Party Plaintiff on CM/ECF. It is Ordered that the Judgment of the District Court are affirmed. Issued as Mandate: 5/24/16. (McGee, Mary Ann) (Entered: 05/24/2016)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
Afriat-Kurtzer et al. v. Arab Bank, PLC
Case No. 1:05-cv-00388

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
01/21/2005	1	COMPLAINT against Arab Bank, PLC filing fee $ 150, receipt number 304898, filed by Yossi Zinni, et al. (Attachments: # 1 Civil Cover Sheet) (Villanueva, William) (Entered: 02/09/2005)
01/21/2005		Summons Issued as to Arab Bank, PLC. (Villanueva, William) (Entered: 02/09/2005)
02/25/2005	3	AMENDED COMPLAINT *First Amended Complaint* against Arab Bank, PLC, filed by all plaintiffs.(Elsner, Michael) (Entered: 02/25/2005)
07/22/2005	33	Notice of MOTION to Dismiss the First Amended Complaints by all defendants. (Attachments: # 1 MEMORANDUM OF LAW by Arab Bank PLC in Support of its Motions to Dismiss the First Amended Complaints # 2 ATTACHMENT (PART 1 OF 2) by Arab Bank PLC to its MEMORANDUM OF LAW in Support of its Motions to Dismiss the First Amended Complaints# 3

		ATTACHMENT (PART 2 OF 2) by Arab Bank PLC to its MEMORANDUM OF LAW in Support of its Motions to Dismiss the First Amended Complaints# 4 Declaration of ERIC A. POSNER by Arab Bank PLC in Support of its Motions to Dismiss the First Amended Complaints # 5 CERTIFICATE OF SERVICE by counsel for Arab Bank PLC attesting to service of its Motions to Dismiss the First Amended Complaints # 6 OPPOSITION MEMORANDUM OF LAW by Plaintiffs Opposing Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 7 Declaration of RUTH WEDGWOOD by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 8 Declaration of YORAM DINSTEIN by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 9[,] 10. Declaration of MARK A. DRUMBL by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 10 Declaration of ASHER SUSSER

		by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 11 EXHIBITS 1 through 11 to the Declaration of ASHER SUSSER by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 12 Declaration of GAVRIEL MAIRONE by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 13 Declaration of ALON TAITELMAN by Plaintiffs in Support of their Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints # 14 SERVICE LIST by Plaintiffs' counsel describing service of its Opposition to Arab Bank PLC's Motions to Dismiss the First Amended Complaints# 15 Second Declaration of ERIC A. POSNER by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints # 16 Declaration of STEFAN A. TALMON by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints # 17 Declaration of HAMZEH AHMAD

		HADDAD by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints# 18 REPLY MEMORANDUM OF LAW by Arab Bank PLC in Further Support of its Motions to Dismiss the First Amended Complaints) (Young, Steven) (Entered: 07/22/2005)
10/20/2005	61	Letter from Kevin Walsh to Honorable Nina Gershon Regarding Request to Serve and File Supplemental Declaration of Stefan Talmon. (Attachments: # 1 Second Declaration of Stefan Talmon) (Walsh, Kevin) (Entered: 10/20/2005)
11/03/2005	63	Letter from Ronald L. Motley to Honorable Nina Gershon Regarding Kevin Walsh letter of October 20, 2005. (Eubanks, John) (Entered: 11/03/2005)
11/21/2005	68	Letter from Kevin Walsh to Honorable Nina Gershon Regarding Notice of Supplemental Authority Regarding Pending Motions to Dismiss. (Attachments: # 1 Decision Issued in Doe v. State of Israel)(Walsh, Kevin) (Entered: 11/21/2005)
11/28/2005	69	Letter from Michael Elsner to Honorable Nina Gershon Regarding November 21, 2005

		Letter from Kevin Walsh Concerning Supplemental Authority in Pending Motions to Dismiss. (Elsner, Michael) (Entered: 11/28/2005)
12/16/2005	79	Letter from Kevin Walsh to Honorable Nina Gershon Regarding request to file a supplemental brief with respect to the political question doctrine. (Attachments: # 1 Complaint: Doe v. State of Israel # 2 Complaint: Matar v. Dichter) (Walsh, Kevin) (Entered: 12/16/2005)
12/20/2005	80	Letter from Michael Elsner, on behalf of Plaintiffs, to the Honorable Nina Gershon Regarding Defendant's supplemental briefing request letter dated 12-16-05. (Attachments: # 1 Exhibit) (Elsner, Michael) (Entered: 12/20/2005)
07/07/2006	148	Letter from K. Walsh to The Honorable N. Gershon Re: Recent Stutts Decision by Arab Bank, PLC. (Attachments: # 1 Decision in Stutts v. De Dietrich Group) (Walsh, Kevin) (Entered: 07/07/2006)
07/12/2006	149	SCHEDULING ORDER. Counsel are directed to appear for oral argument on July 31, 2006 at 11:00 a.m. in Courtroom 6D.

		Plaintiffs may file rebuttal papers regarding the Supplemental Declaration of Stefan Talmon by July 25, 2006.(Signed by Judge Nina Gershon on 07/12/06). (Coward, Nicole) (Entered: 07/12/2006)
07/18/2006	151	Letter from Michael E. Elsner to the Honorable Nina Gershon re: K. Walsh letter of July 7, 2006 regarding the recent Stutts opinion by All Plaintiffs. (Eubanks, John) (Entered: 07/18/2006)
07/25/2006	160	Letter from K. Walsh to The Honorable Nina Gershon Re: Amicus Briefs filed in Khulumani v. Barclay Nat'l Bank & Vietnam Association for Victims of Agent Orange v. Dow Chemical Co. by Arab Bank, PLC. (Attachments: # 1 Ex. A - Khulumani Brief # 2 Ex. B - VAVAO Brief) (Walsh, Kevin) (Entered: 07/25/2006)
07/25/2006	161	Letter from Michael E. Elsner to the Honorable Nina Gershon Regarding Supplemental Declaration of Ruth Wedgwood Pursuant to July 12, 2006 Order by All Plaintiffs. (Attachments: # 1 Exhibit A - Wedgwood Supplemental Declaration)

		(Eubanks, John) (Entered: 07/25/2006)
07/28/2006	166	Letter to the Honorable Judge Gershon re amicus briefs by All Plaintiffs. (Elsner, Michael) (Entered: 07/28/2006)
07/31/2006	167	NOTICE by All Plaintiffs Notice of Errata Regarding June 14, 2005 Declaration of Ruth Wedgwood (Eubanks, John) (Entered: 07/31/2006)
08/01/2006	168	Letter from K. Walsh to the Honorable N. Gershon regarding the Transcript of the 7.31.06 Oral Argument and "Comments on Protocol I" by Y. Dinstein by Arab Bank, PLC. (Attachments: # 1 Enclosure 1- July 31, 2006 Transcript of Oral Argument Before the Honorable N. Gershon # 2 Enclosure 2- Comments on Protocol I by Y. Dinstein) (Walsh, Kevin) (Entered: 08/01/2006)
08/03/2006	170	Letter from K. Walsh to the Honorable N. Gershon regarding July 31, 2006 oral argument by Arab Bank, PLC. (Attachments: # 1 Exhibit Matar, et al. v. Dichter Order # 2 Exhibit Letter from T. Long (Senior Deputy Comptroller, OCC) to M. Elsner) (Walsh, Kevin) (Entered: 08/03/2006)

08/09/2006	173	Letter by All Plaintiffs. (Elsner, Michael) (Entered: 08/03/2006)
09/12/2006	187	Letter from K. Walsh to the Honorable N. Gershon regarding recent development in Estate of Yaron Ungar et al. v. Palestinian Authority et al. by Arab Bank, PLC. (Attachments: # 1 September 6, 2006 Letter from Judge G. Kessler to The Honorable John B. Bellinger II Re: The Estate of Yaron Ungar et al. v. Palestinian Authority et al) (Walsh, Kevin) (Entered: 09/12/2006)
11/29/2006	219	Letter from K. Walsh to Judge Gershon Re: the Statement of Interest of the United States of America in Matar v. Dichter by Arab Bank, PLC. (Attachments: # 1 Statement of Interest of the United States of America in Matar v. Dichter) (Walsh, Kevin) (Entered: 11/29/2006)
01/12/2007	240	Letter from Kevin Walsh to Judge Gershon regarding Arab Bank's Motion to Dismiss claims under Alien Tort Statute by Arab Bank, PLC (Attachments: # 1 Exhibit Saperstein v. The Palestinian Authority, et al. Decision) (Walsh, Kevin) (Entered: 01/12/2007)

01/29/2007	244	OPINION AND ORDER: Granting in part and denying in part defendant's motion to dismiss. Ordered by Judge Nina Gershon on 1/29/07. (Garzon, Amy) (Entered: 01/29/2007)
01/29/2007	245	Letter from Michael E. Elsner to Magistrate Judge Pohorelsky regarding Judge Gershon's January 29, 2007 Opinion and Order and discovery issues by Afriat-Kurtzer Plaintiffs (Attachments: # 1 Exhibit Exhibit A) (Eubanks, John) (Entered: 01/29/2007)
02/09/2007	251	SCHEDULING ORDER: The parties are directed to file with the court a joint status report by February 16, 2007. A status conference will be held on February 21, 2007 at 3:00 p.m. in courtroom 6D. Ordered by Judge Nina Gershon on 2/9/07. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Garzon, Amy) (Entered: 02/09/2007)
02/16/2007	256	STATUS REPORT Joint Status Report by Arab Bank, PLC (Attachments: # 1 March 24, 2006 Scheduling Order # 2 April 28, 2006 Scheduling Order # 3 August 31, 2006 Order # 4 February 1, 2007 Minute Entry) Associated

		Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 02/16/2007)
03/30/2007	292	SEALED DOCUMENT PLACED IN VAULT. Deft's Answer to the First Amended Complaint. Ordered sealed by Judge Gershon, dated 4/2/07. (Fernandez, Erica) (Entered: 04/03/2007)
4/10/2007	299	Notice of MOTION for Certificate of Appealability of the January 29, 2007 Opinion and Order by Arab Bank, PLC. (Attachments: # 1 Arab Bank's Memorandum of Law in Support of its Motion for Certification of an Interlocutory Appeal)**please disregard document 3298** (Walsh, Kevin) (Entered: 04/10/2007)
4/10/2007	300	RESPONSE in Opposition re 299 Notice of MOTION for Certificate of Appealability of the January 29, 2007 Opinion and Order filed by Gila Afriat-Kurtzer. (Walsh, Kevin) (Entered: 04/10/2007)
4/10/2007	301	REPLY to Response to Motion re 299 Notice of MOTION for Certificate of Appealability of the January 29, 2007 Opinion and Order filed by Arab Bank, PLC. (Walsh, Kevin) (Entered: 04/10/2007)

05/07/2007	336	ORDER denying Motion for Certificate of Appealability. Ordered by Judge Nina Gershon on May 7, 2007. (Keifer, Emily) (Entered: 05/07/2007)
10/22/2008		SCHEDULING ORDER: Oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint will be heard on December 5, 2008, directly after oral argument is heard on the third-party defendants' motions to dismiss the third party complaints and plaintiffs' motion to strike the third party complaints. The court notes that the issue presented by this motion in Jesner, what limitations period applies to ATS claims, arises in other related cases and that some of the plaintiffs in these other cases are represented by counsel different from the Jesner plaintiffs' counsel. For that reason, if any plaintiffs' counsel wishes to make arguments different from the arguments advanced by the Jesner plaintiffs' counsel with regard to this issue, counsel are directed to serve and file papers by November 7, 2008. Arab Bank is directed to submit its response by November 21, 2008. The sole issue to be

		addressed in this briefing should be the length of the limitations period applicable to ATS claims. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
10/22/2008		SCHEDULING ORDER: In response to the parties' correspondence regarding Arab Bank's intended motion to dismiss the complaint in Lev et al v. Arab Bank (08-CV-3251), Arab Bank is directed to move by November 12, 2008; the Lev plaintiffs shall serve their opposition by December 3, 2008; and Arab Bank shall serve its reply and file the fully briefed motion by December 15, 2008. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
11/08/2008	519	NOTICE by Almog et al., Afriat-Kurtzer Plaintiffs re Scheduling Order, *Almog, Afriat-Kurtzer, and Lev Plaintiffs' Supplemental Brief on the Limitations Period Applicable to Alien Tort Statute Claims (served on all parties 11/7/2008; CM/ECF down 11/7/2008 to 11/8/2008)*

		Associated Cases: 1:04-cv-02799-NG-VVP, 1:04-cv-05564-NG-VVP, 1:05-cv-00388-NG-VVP, 1:06-cv-03869-NG-VVP (Eubanks, John) (Entered: 11/08/2008)
11/21/2008	520	MEMORANDUM in Opposition to the Supplemental Brief of the Almog, Afriat-Kurtzer and Lev Plaintiffs on the Limitations Period Applicable to Alien Tort Statute Claims filed by Arab Bank, PLC. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 11/21/2008)
12/05/2008	525	Minute Entry for proceedings held before Senior Judge Nina Gershon: Oral Argument held on 12/5/2008 on the third-party defendants' motions to dismiss the third party complaints and plaintiffs motion to strike the third party complaint, and oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint both heard on the record. The Court's decision is reserved (Court Reporter Marie Foley.) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Fernandez, Erica) (Entered: 12/12/2008)
04/19/2011	727	Letter *requesting dismissal of Alien Tort Statute claims*

		pursuant to controlling decision issued by the Court of Appeals for the Second Circuit in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010). by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Walsh, Kevin) (Entered: 04/19/2011)
04/19/2011	728	Letter of *John Eubanks in response to letter of Kevin Walsh* dated April 19, 2011 by All Plaintiffs (Eubanks, John) (Entered: 04/19/2011)
04/21/2011	729	ORDER re 727 Letter, filed by Arab Bank, PLC; This court is in receipt of defendant Arab Bank's letter dated April 19, 2011, requesting dismissal of all pending Alien Tort Statue ("ATS") claims in the above captioned cases, based on the Second Circuit's recent decision in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), and plaintiffs' response dated April 20, 2011. The plaintiffs request full briefing on the issue. This court agrees that any application for dismissal should be by formal motion. The parties should agree on a briefing schedule. However, in light of the pending petition for

		writ of certiorari in Kiobel, and the need for the efficient use of resources both of the parties and the court, the parties are directed to set a briefing schedule that follows a final determination of Kiobel by the Supreme Court. Ordered by Senior Judge Nina Gershon on 4/21/2011. (Fernandez, Erica) (Entered: 04/21/2011)
07/05/2013	941	Letter from *Douglas W. Mateyaschuk to Hon. Brian M. Cogan regarding Defendant Arab Banks Motion to Dismiss Plaintiffs ATS Claims* by Arab Bank, PLC (Attachments: # 1 Notice of Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 2 Memorandum of Law in Support of Defendant Arab Bank PCL's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 3 Exhibit 1, # 4 Exhibit 2 (Filed Under Seal), # 5 Exhibit 3 (Filed Under Seal), # 6 Exhibit 4 (Filed Under Seal), # 7 Exhibit 5 (Filed Under Seal), # 8 Exhibit 6 (Filed Under Seal), # 9 Exhibit 7 (Filed Under Seal), # 10 Exhibit 8 (Filed Under Seal), # 11 Exhibit 9 (Filed Under Seal), # 12 Exhibit

		10 (Filed Under Seal), # 13 Exhibit 11) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/05/2013	942	EXHIBIT *2 - 10 (Filed Under Seal)* by Arab Bank, PLC. Related document: 941 Letter, filed by Arab Bank, PLC. (Attachments: # 1 Exhibit 3 (Filed Under Seal), # 2 Exhibit 4 (Filed Under Seal), # 3 Exhibit 5 (Filed Under Seal), # 4 Exhibit 6 (Filed Under Seal), # 5 Exhibit 7 (Filed Under Seal), # 6 Exhibit 8 (Filed Under Seal), # 7 Exhibit 9 (Filed Under Seal), # 8 Exhibit 10 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/08/2013	943	MEMORANDUM in Opposition re 941 Letter, Plaintiffs' Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13)

		(Eubanks, John) (Entered: 07/08/2013)
07/08/2013	944	MEMORANDUM in Opposition re 941 *Letter, Plaintiffs' REDACTED Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute* filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4 (Filed Under Seal), # 6 Exhibit 5 (Filed Under Seal), # 7 Exhibit 6 (Filed Under Seal), # 8 Exhibit 7, # 9 Exhibit 8 (Filed Under Seal), # 10 Exhibit 9 (Filed Under Seal), # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
08/12/2013	953	REPLY in Support re 941 Letter, *Reply Memorandum Of Law In Further Support Of Defendant Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute* filed by Arab Bank, PLC. (Attachments: # 1 Declaration of Douglas W. Mateyaschuk, II In Further Support of Arab Bank PLC's Motion To Dismiss Claims

		Asserted By Plaintiffs Pursuant To The Alien Tort Statute, # 2 Exhibit 1 - Amicus Brief for Hashemite Kingdom of Jordan) (Walsh, Kevin) (Entered: 08/12/2013)
08/22/2013	959	Letter *Letter from Kevin Walsh to Hon. Brian M. Cogan supplying supplemental authority in support of the Bank's motion to dismiss all pending ATS claims* by Arab Bank, PLC (Attachments: # 1 Balintulo v. Daimler, 09-2778(L) (2d Cir. filed Aug. 21, 2013)) (Walsh, Kevin) (Entered: 08/22/2013)
08/23/2013		Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. *See Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *aff'd*, *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." *Baraket v. Holder*, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed *Kiobel I* on other grounds, the Second Circuit's

		holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy) (Entered: 08/23/2013)
10/15/2013		ORDER The Clerk of Court is directed to enter a partial final judgment under Rule 54(b)

		dismissing plaintiffs' claims under the Alien Tort Statute. The Court certifies that its disposition of those claims presents no just reason for delay. Ordered by Judge Brian M. Cogan on 10/15/2013. (Weisberg, Peggy) (Entered: 10/15/2013)
10/16/2013	966	PARTIAL CLERK'S JUDGMENT. ORDERED and ADJUDGED that a partial final judgment is hereby entered dismissing Plaintiffs' claims under the Alien Tort Statute pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Ordered by Clerk of Court on 10/16/2013. (Siegfried, Evan) (Entered: 10/16/2013)
11/07/2013	969	NOTICE OF APPEAL as to 966 Clerk's Judgment, by Idit Ben Arieh, et al. Filing fee $ 455, receipt number 0207-6543161. Appeal Record due by 11/21/2013. (Attachments: # 1 Exhibit A - ATS Plaintiffs-Appellants, # 2 Exhibit B - Plaintiffs Not Appealing) (Eubanks, John) (Entered: 11/07/2013)
11/07/2013		Electronic Index to Record on Appeal sent to US Court of Appeals. 969 Notice of Appeal. Documents are available via

		Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 11/07/2013)
05/24/2016	1313	MANDATE of USCA as to 969 Notice of Appeal, filed by Ofer Peretz, et al. It is Ordered that the judgments of the District Court are AFFIRMED. Issued as Mandate: 5/24/16. (McGee, Mary Ann) (Entered: 05/24/2016)

UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF NEW YORK
Jesner et al. v. Arab Bank, PLC
Case No. 1:06-cv-03869

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
08/09/2006	1	COMPLAINT against Arab Bank, PLC $ 350, filed by Shula Chazan, et al. (Attachments: #1 Civil Cover Sheet) (Bowens, Priscilla) (Entered: 08/10/2006)
08/09/2006	2	Notice of Related Case Assignment (Bowens, Priscilla) (Entered: 08/10/2006)
09/29/2006	3	Letter from *A. Howard to the Honorable N. Gershon regarding the Stipulation to Adjourn Defendant's Time to Respond to or Answer Complaint* by Arab Bank PLC. (Attachments: # 1 Stipulation to Adjourn Defendant's Time to Response to or Answer Complaint)(Walsh, Kevin) (Entered: 09/29/2006)
10/11/2006		STIPULATION AND ORDER: the Stipulation extending the time to respond to the complaint, filed as Document 3-2, is hereby So Ordered. Ordered by Judge Viktor V. Pohorelsky on 10/11/2006. (Pohorelsky, Viktor) (Entered: 10/11/2006)

02/09/2007	53	SCHEDULING ORDER: The parties are directed to file with the court a joint status report by February 16, 2007. A status conference will be held on February 21, 2007 at 3:00 p.m. in courtroom 6D. Ordered by Judge Nina Gershon on 2/9/07. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Garzon, Amy) (Entered: 02/09/2007)
02/16/2017	57	STATUS REPORT *Joint Status Report* by Arab Bank, PLC (Attachments: # 1 March 24, 2006 Scheduling Order # 2 April 28, 2006 Scheduling Order # 3 August 31, 2006 Order # 4 February 1, 2007 Minute Entry) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 02/16/2007)
03/30/2007	87	SEALED DOCUMENT PLACED IN VAULT. Deft's Answer to the Complaint. Ordered sealed by Judge Gershon, dated 4/2/07. (Fernandez, Erica) (Entered: 04/03/2007)
10/02/2007	218	Letter from *M. Werbner to the Honorable Nina Gershon regarding Proposed Briefing Schedule on Motion for Leave to File First Amended Complaint* by Joseph Jesner (Werbner, Mark) (Entered: 10/02/2007)

10/04/2007	219	ORDER: Parties have agreed, that Arab Bank's Response to the motion will be served on or before 10/24/07; Pltfs will serve their Reply on or before 10/31/07. Ordered by Judge Nina Gershon on 10/3/07. (Endorsed on ECF doc #218) (Fernandez, Erica) (Entered: 10/04/2007)
10/30/2007	227	MOTION for Leave to File *First Amended Complaint* by Joseph Jesner. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Werbner, Mark) (Entered: 10/30/2007)
10/30/2007	228	MEMORANDUM in Support re 227 MOTION for Leave to File *First Amended Complaint* by Joseph Jesner. (Attachments: # 1 Exhibit C # 2 Exhibit D) (Werbner, Mark) (Entered: 10/30/2007)
10/30/2007	229	RESPONSE in Opposition re 227 MOTION for Leave to File *First Amended Complaint* filed by Arab Bank, PLC. (Werbner, Mark) (Entered: 10/30/2007)
10/30/2007	230	REPLY to Response to Motion re 227 MOTION for Leave to File *First Amended Complaint* filed by Joseph Jesner. (Werbner, Mark) (Entered: 10/30/2007)
10/30/2007	231	Letter *serving courtesy copies of briefing papers related to Plaintiffs' Motion for Leave to File First*

		Amended Complaint by Joseph Jesner (Werbner, Mark) (Entered: 10/30/2007)
10/31/2007	232	Letter *correcting letter to the Honorable Viktor V Pohorelsky from Michael Elsner in response to Defendant's October 12, 2007 letter regarding discovery* by Courtney Linde, et al. (Plaintiffs) (Attachments: # 1 Exhibit) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Elsner, Michael) (Entered: 10/31/2007)
10/22/2008		SCHEDULING ORDER: Oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint will be heard on December 5, 2008, directly after oral argument is heard on the third-party defendants' motions to dismiss the third party complaints and plaintiffs' motion to strike the third party complaints. The court notes that the issue presented by this motion in Jesner, what limitations period applies to ATS claims, arises in other related cases and that some of the plaintiffs in these other cases are represented by counsel different from the Jesner plaintiffs' counsel. For that reason, if any plaintiffs' counsel wishes to make arguments different from the arguments

		advanced by the Jesner plaintiffs' counsel with regard to this issue, counsel are directed to serve and file papers by November 7, 2008. Arab Bank is directed to submit its response by November 21, 2008. The sole issue to be addressed in this briefing should be the length of the limitations period applicable to ATS claims. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
10/22/2008		SCHEDULING ORDER: In response to the parties' correspondence regarding Arab Bank's intended motion to dismiss the complaint in Lev et al v. Arab Bank (08-CV-3251), Arab Bank is directed to move by November 12, 2008; the Lev plaintiffs shall serve their opposition by December 3, 2008; and Arab Bank shall serve its reply and file the fully briefed motion by December 15, 2008. Ordered by Judge Nina Gershon on October 22, 2008. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Keifer, Emily) (Entered: 10/22/2008)
10/22/2008	302	Letter *from Kevin Walsh to Judge Gershon in response to plaintiffs' letter dated October 17, 2008, which*

		purports to accompany the filing of an annexed "First Supplemental Complaint" in the Jesner action by Arab Bank, PLC (Walsh, Kevin) (Entered: 10/22/2008)
11/08/2008	304	NOTICE by Almog et al., Afriat-Kurtzer Plaintiffs re Scheduling Order, *Almog, Afriat-Kurtzer, and Lev Plaintiffs' Supplemental Brief on the Limitations Period Applicable to Alien Tort Statute Claims (served on all parties 11/7/2008; CM/ECF down 11/7/2008 to 11/8/2008)* Associated Cases: 1:04-cv-02799-NG-VVP, 1:04-cv-05564-NG-VVP, 1:05-cv-00388-NG-VVP, 1:06-cv-03869-NG-VVP (Eubanks, John) (Entered: 11/08/2008)
11/21/2008	305	MEMORANDUM in Opposition *to the Supplemental Brief of the Almog, Afriat-Kurtzer and Lev Plaintiffs on the Limitations Period Applicable to Alien Tort Statute Claims* filed by Arab Bank, PLC. Associated Cases: 1:04-cv-02799-NG-VVP et al. (Walsh, Kevin) (Entered: 11/21/2008)
12/05/2008	309	Minute Entry for proceedings held before Senior Judge Nina Gershon: Oral Argument held on 12/5/2008 on the third-party defendants' motions to dismiss the third party complaints and plaintiffs motion to

		strike the third party complaint, and oral argument on the Jesner plaintiffs' motion for leave to file a first amended complaint both heard on the record. The Court's decision is reserved (Court Reporter Marie Foley.) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Fernandez, Erica) (Entered: 12/12/2008)
05/01/2009	335	ORDER re 227 MOTION for Leave to File *First Amended Complaint* filed by Joseph Jesner; For the foregoing reasons, plaintiffs' motion for leave to amend the Complaint is granted. Ordered by Senior Judge Nina Gershon on 4/28/09. (Fernandez, Erica) (Entered: 05/01/2009)
05/04/2009	336	AMENDED COMPLAINT against Arab Bank PLC, filed by all plaintiffs. (Israel, Joel) (Entered: 05/04/2009)
05/18/2009	337	STIPULATION and [Proposed] Order Permitting Filing of Supplemental Complaint by Joseph Jesner (Israel, Joel) (Entered: 05/18/2009)
05/26/2009	339	STIPULATION AND ORDER re 337 Stipulation filed by Joseph Jesner; It is stipulated and agreed as follows: The additional plaintiffs may be added to this action

		pursuant to FRCP 15(d) by filing a Supplemental Complaint on or before 6/10/09 that sets forth the Additional Plaintiffs' name and date, place and manner in which they were injured. (see order for details). Ordered by Senior Judge Nina Gershon on 5/22/2009. (Fernandez, Erica) (Entered: 05/26/2009)
05/27/2009	340	First Supplemental COMPLAINT, filed by All Plaintiffs. (Israel, Joel) (Entered: 05/27/2009)
06/10/2009	344	Letter *from Steven J. Young to Judge Gershon seeking the dismissal of the recently filed complaints in the Jesner action, pursuant to Rule 3A of the Court's Individual Motion Practice and Rules* by Arab Bank, PLC (Walsh, Kevin) Modified on 6/17/2009 as per Judge Gershon's order dated 6/11/09 doc # 349 (Fernandez, Erica). (Entered: 06/10/2009)
06/17/2009	349	ORDER re 344 Letter filed by Arab Bank, PLC; This letter will be deemed the motion to dismiss and the plaintiff's opposition. Ordered by Senior Judge Nina Gershon on 6/11/2009. (Fernandez, Erica) (Entered: 06/17/2009)
03/01/2010	386	ORDER denying 344 Motion to Dismiss. For the reasons set forth

		in my opinion and order denying defendant's motion to dismiss the ATS claims in Lev v. Arab Bank, defendant's motion to dismiss the Jesner action is denied. See attached order. Ordered by Senior Judge Nina Gershon on 3/1/2010. (Ehrlich, Julie) (Entered: 03/01/2010)
03/03/2010	387	STIPULATION *to Adjourn Defendant's Time to Answer First Amended Complaint and Supplemental Complaint* by Arab Bank, PLC (Attachments: # 1 Cover Letter from Seten J. Young to Judge Gershon) (Walsh, Kevin) (Entered: 03/03/2010)
03/04/2010	388	ORDER TO ANSWER re 387 Stipulation filed by Arab Bank, PLC: Answer due 4/14/2010. Ordered by Senior Judge Nina Gershon on 3/3/2010. (Abdallah, Fida) (Entered: 03/04/2010)
04/14/2010	397	ANSWER to 340 Supplemental Complaint by Arab Bank PLC. (Walsh, Kevin) (Entered: 04/14/2010)
04/22/2010	399	ANSWER to 336 First Amended Complaint by Arab Bank, PLC. filed under seal as per chambers and the Court's 8/1/05 Protective Order. (Fernandez, Erica) (Entered: 04/22/2010)

04/19/2011	519	Letter *requesting dismissal of Alien Tort Statute claims pursuant to controlling decision issued by the Court of Appeals for the Second Circuit in Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010). by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Walsh, Kevin) (Entered: 04/19/2011)
04/19/2011	520	Letter of John Eubanks in response to letter of Kevin Walsh dated April 19, 2011 by All Plaintiffs (Eubanks, John) (Entered: 04/19/2011)
04/21/2011	521	ORDER re 519 Letter, filed by Arab Bank, PLC; This court is in receipt of defendant Arab Bank's letter dated April 19, 2011, requesting dismissal of all pending Alien Tort Statue ("ATS") claims in the above captioned cases, based on the Second Circuit's recent decision in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), and plaintiffs' response dated April 20, 2011. The plaintiffs request full briefing on the issue. This court agrees that any application for dismissal should be by formal motion. The parties should agree on a briefing schedule. However, in light of the pending petition for

		writ of certiorari in Kiobel, and the need for the efficient use of resources both of the parties and the court, the parties are directed to set a briefing schedule that follows a final determination of Kiobel by the Supreme Court. Ordered by Senior Judge Nina Gershon on 4/21/2011. (Fernandez, Erica) (Entered: 04/21/2011)
04/24/2013	699	Minute Entry for proceedings held before Judge Nina Gershon: Motion Hearing held on 4/24/2013. Oral argument on defendant's motion for summary judgment. Summary judgment is granted dismissing plaintiffs' claim for aiding and abetting. Summary judgment is denied as to all other remaining claims for the reasons stated on the record, except that decision on the conspiracy claim is reserved. The parties are to file a pretrial order with the court by June 24, 2013. A briefing schedule for the Banks motion to dismiss as to ATS claims was set. Any motion must be served by May 24, 2013. Plaintiffs' opposition must be served by July 8, 2013. Defendants reply must be served and all papers filed by August 2, 2013. (Court Reporter Victoria Torres Butler.) Associated Cases: 1:04-cv-02799-NG-VVP et

		al. (Joe, Victor) Modified on 4/30/2013 (Joe, Victor). (Entered: 04/30/2013)
07/05/2013	732	Letter *from Douglas W. Mateyaschuk to Hon. Brian M. Cogan regarding Defendant Arab Bank's Motion to Dismiss Plaintiffs ATS Claims* by Arab Bank PLC (Attachments: # 1 Notice of Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 2 Memorandum of Law in Support of Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 3 Declaration of Douglas Walter Mateyascuk, II, # 4 Exhibit 1, # 5 Exhibit 2 (Filed Under Seal), # 6 Exhibit 3 (Filed Under Seal), # 7 Exhibit 4 (Filed Under Seal), # 8 Exhibit 5 (Filed Under Seal), # 9 Exhibit 6 (Filed Under Seal), # 10 Exhibit 7 (Filed Under Seal), # 11 Exhibit 8 (Filed Under Seal), # 12 Exhibit 9 (Filed Under Seal), # 13 Exhibit 10 (Filed Under Seal), # 14 Exhibit 11) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/05/2013	733	EXHIBIT *2 - 10 (Filed Under Seal)* by Arab Bank PLC. Related document: 732 Letter, filed by Arab Bank PLC. (Attachments: # 1 Exhibit 3 (Filed Under Seal), # 2

		Exhibit 4 (Filed Under Seal), # 3 Exhibit 5 (Filed Under Seal), # 4 Exhibit 6 (Filed Under Seal), # 5 Exhibit 7 (Filed Under Seal), # 6 Exhibit 8 (Filed Under Seal), # 7 Exhibit 9 (Filed Under Seal), # 8 Exhibit 10 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/08/2013	734	MEMORANDUM in Opposition re 732 Letter, *Plaintiffs' Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute* filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
07/08/2013	735	MEMORANDUM in Opposition re 732 Letter, *Plaintiffs' REDACTED Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute* filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, #

		3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4 (Filed Under Seal), # 6 Exhibit 5 (Filed Under Seal), # 7 Exhibit 6 (Filed Under Seal), # 8 Exhibit 7, # 9 Exhibit 8 (Filed Under Seal), # 10 Exhibit 9 (Filed Under Seal), # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
08/12/2013	744	REPLY in Support re 732 Letter, *Reply Memorandum Of Law In Further Support Of Defendant Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute* filed by Arab Bank, PLC. (Attachments: # 1 Declaration of Douglas W. Mateyaschuk, II In Further Support of Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute, # 2 Exhibit 1 - Amicus Brief for Hashemite Kingdom of Jordan) (Walsh, Kevin) (Entered: 08/12/2013)
08/22/2013	750	Letter *from Kevin Walsh to Hon. Brian M. Cogan supplying supplemental authority in support of the Bank's motion to dismiss all pending ATS claims* by Arab Bank, PLC (Attachments: # 1 Balintulo v. Daimler, 09-2778(L) (2d Cir. filed

		Aug. 21, 2013)) (Walsh, Kevin) (Entered: 08/22/2013)
08/23/2013		Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. *See Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *aff'd*, *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." *Baraket v. Holder*, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed *Kiobel I* on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d

		257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy) (Entered: 08/23/2013)
08/28/2013	752	CLERK'S JUDGMENT. ORDERED and ADJUDGED that judgment is hereby entered in favor of Defendant Arab Bank, PLC and against Plaintiffs and that the case is closed. Ordered by Clerk of Court on 8/27/2013. (Siegfried, Evan) (Entered: 08/28/2013)
09/20/2013	753	NOTICE OF APPEAL as to 752 Clerk's Judgment, Order, by All Plaintiffs. Filing fee $ 455, receipt number 0207-6446610 NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Amir Abidzdris, et al. (Elsner, Michael) Modified on 10/2/2013 to reflect "All Plaintiffs" as listed.

		(McGee, Mary Ann). (Entered: 09/20/2013)
09/20/2013		Electronic Index to Record on Appeal sent to US Court of Appeals. 753 Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 09/20/2013)
05/24/2016	754	MANDATE of USCA as to 753 Notice of Appeal, filed by All Plaintiffs. It is Ordered that the judgments of the District Court are AFFIRMED. Issued as Mandate: 5/24/16. (McGee, Mary Ann) (Entered: 05/24/2016)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
Lev et al. v. Arab Bank, PLC
Case No. 1:08-cv-03251

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
08/11/2008	1	COMPLAINT against Arab Bank, PLC $ 350, filed by Ruth Suissa, et al. (Attachments: # 1 complaint part 2, # 2 Civil Cover Sheet) (Bowens, Priscilla) (Additional attachment(s) added on 8/27/2008: # 3 pgs 133,138) (Bowens, Priscilla). (Entered: 08/13/2008)
08/11/2008	1	Notice of Related Case Assignment/Designation (Bowens, Priscilla) (Entered: 08/13/2008)
08/11/2008		Summons Issued as to Arab Bank, PLC. (Bowens, Priscilla) (Entered: 08/13/2008)
09/04/2008	3	NOTICE by All Plaintiffs *of Waiver of Service Returned Executed. Arab Bank waiver sent on 8/13/2008, answer due 11/20/2008 agreed to by Plaintiffs and Defendant* (Elsner, Michael) (Entered: 09/04/2008)
10/10/2008	4	Letter *from Kevin Walsh to the Honorable Judge Gershon informing the Court of its intention to file a dispositive motion pursuant to the Federal Rules of Civil*

		Procedure 12(b)(1) and 12(b)(6) by Arab Bank, PLC (Walsh, Kevin) (Entered: 10/10/2008)
10/17/2008	5	Letter *in Response to Arab Bank's letter of October 10, 2008* by All Plaintiffs (Eubanks, John) (Entered: 10/17/2008)
10/22/2008		SCHEDULING ORDER: In response to the parties' correspondence regarding Arab Bank's intended motion to dismiss the complaint in Lev et al v. Arab Bank (08-CV-3251), Arab Bank is directed to move by November 12, 2008; the Lev plaintiffs shall serve their opposition by December 3, 2008; and Arab Bank shall serve its reply and file the fully briefed motion by December 15, 2008. Ordered by Judge Nina Gershon on October 22, 2008. (Keifer, Emily) (Entered: 10/22/2008)
11/08/2008	6	NOTICE by All Plaintiffs *Almog, Afriat-Kurtzer, and Lev Plaintiffs' Supplemental Brief on the Limitations Period Applicable to Alien Tort Statute Claims per Scheduling Order of 10/22/2008 in 04-CV-2799 and related cases (served on all parties 11/7/2008; CM/ECF down 11/7/2008 to 11/8/2008)* (Eubanks, John) (Entered: 11/08/2008)

11/21/2008	7	MEMORANDUM *in Opposition to the Supplemental Brief of the Almog, Afriat-Kurtzer and Lev Plaintiffs on the Limitations Period Applicable to Alien Tort Statute Claims* filed by Arab Bank, PLC. (Walsh, Kevin) (Entered: 11/21/2008)
12/15/2008	9	MOTION to Dismiss *the Complaint* by Arab Bank, PLC. Responses due by 12/3/2008 (Attachments: # 1 Notice of Motion, # 2 Declaration of Douglas W. Mateyaschuk II, # 3 Exhibit 1 - United States Department of State briefing by C. David Welch, Assistant Secretary for Near Eastern Affairs, entitled "Briefing on the U.S. Libya Comprehensive Claims Settlement," dated Aug. 15, 2008, # 4 Exhibit 2 - Article published in THE HILL, written by Kevin Bogardus and entitled "Libya negotiations grab Congress's eye," dated July 23, 2008, # 5 Exhibit 3 - Press release issued by Motley Rice LLC and entitled "State Department Lobbies for Total Immunity for Libya, Says," # 6 Exhibit 4 - Article published on the "Counterterrorism Blog," written by Andrew Cochran and entitled "Libyan Terrorism Settlement: Mixed Results & An Unknown Precedent," dated August 28, 2008,

		# 7 Exhibit 5 - The Statement of Interest of the United States of America filed in Mother Doe I v. Sheikh Hamdan Bin Rashid Al Maktoum, 07-Civ.-00293 (E.D. Ky.) (Docket No. 5 l), dated September 5, 2008, # 8 Exhibit 6 - The brief of the Washington Legal Foundation as Amicus Curiae in Support of the Defendant Sheikh Hamdan's Motion to Dismiss filed in Mother Doe I, dated June 9, 2008, # 9 Exhibit 7 - Freedom of Information Act (FOIA) Request, from Steven J. Young, dated July 18, 2007 [designated United States Department of State Case No. 2007043 13], # 10 Exhibit 8 - Freedom of Information Act (FOIA) Request, from Steven J. Young, dated December 13, 2007 [designated United States Department of State Case No. 200706658], # 11 Exhibit 9 - Freedom of Information Act (FOIA) Request, from Steven J. Young, dated December 13, 2007 [designated United States Department of State Case No. 200706659], # 12 Exhibit 10 - Dispatch from the United States Embassy in Riyadh to the Secretary of State, dated June 2002, and produced by the United States Department of State in

		response to the FOIA request designated as Case No. 200704313, # 13 Exhibit 11 - A Dispatch from the Secretary of State to the U.S. Mission to the European, # 14 Exhibit 12 - Dispatch from the American Consulate in Jerusalem to the Secretary of State, dated February 2002, and produced by the United States Department of State in response to the FOIA request designated as Case No. 200706658, # 15 Exhibit 13 - Dispatch from the Secretary of State to All Near Eastern and South Asian) (Walsh, Kevin) (Entered: 12/15/2008)
12/15/2008	10	RESPONSE in Opposition re 9 MOTION to dismiss *the Complaint* filed by all plaintiffs. (Walsh, Kevin) (Entered: 12/15/2008)
12/15/2008	11	REPLY in Support re 9 MOTION to Dismiss *the Complaint* filed by Arab Bank, PLC. (Attachments: # 1 Exhibit 1 - John B. Bellinger, III "Enforcing Human Rights in the U.S Courts and Abroad: The Alien Tort Statute and Other Approaches," The 2008 Jonathan I. Charney Lecture in International Law (April 11, 2008), # 2 Exhibit 2 - Brief for the United States as Amicus Curiae in Support of Petitioners, American Isuzu

		Motors, Inc., et al., v. Lungisile Ntsebeza, et al., # 3 Exhibit 3 - Transcript of interview with Secretary of State, Colin Powell, NBC Meet the Press (May 5, 2002) (Walsh, Kevin) (Entered: 12/15/2008)
10/06/2009	21	Letter *from Kevin Walsh to Judge Gershon regarding Presbyterian Church of Sudan v. Talisman Energy, Inc., Civ. No. 07-0016 (2d Cir. Oct. 2, 2009)* by Arab Bank, PLC (Attachments: # 1 Enclosure - Decision in Presbyterian Church of Sudan v. Talisman Energy, Inc.) (Walsh, Kevin) (Entered: 10/06/2009)
10/08/2009	22	ORDER re 21 Letter, filed by Arab Bank, PLC; In accordance with Judge Gershons's individual motion practices, deft Arab Bank may serve such a brief, not to exceed ten pages in a normal-sized font and addressing only new issues raised by the opinion in Presbyterian Church of Sudan, by 10/21/09. Plaintiff may serve its opposition by 11/4/09. There will be no reply papers. Ordered by Senior Judge Nina Gershon on 10/7/2009. (Fernandez, Erica) (Entered: 10/08/2009)

11/04/2009	25	MEMORANDUM in Support re 9 MOTION to Dismiss *the Complaint (Supplemental Memorandum of Law in Support)* filed by Arab Bank, PLC. (Walsh, Kevin) (Entered: 11/04/2009)
11/04/2009	26	MEMORANDUM in Opposition re 9 MOTION to Dismiss *the Complaint (Supplemental Memorandum of Law in Opposition)* filed by All Plaintiffs. (Walsh, Kevin) (Entered: 11/04/2009)
01/29/2010	30	ORDER granting in part and denying in part 9 Motion to Dismiss; Counts 4 through 8, which allege federal common law claims, are dismissed for the reasons stated in Almog, 471 F. Supp 2d at 294. The motion to dismiss the complaint is therefore denied, except, as just noted, with respect to Counts 4 through 8. Ordered by Senior Judge Nina Gershon on 1/29/2010. (Fernandez, Erica) (Entered: 01/29/2010)
02/04/2010	31	STIPULATION *to Adjourn Defendant's Time to Answer the Complaint in the Lev action* by Arab Bank, PLC (Walsh, Kevin) (Entered: 02/04/2010)
02/09/2010	32	STIPULATION AND ORDER to Adjourn Defendant's Time to

		Answer Complaint endorsed on copy of doc 31. Ordered by Senior Judge Nina Gershon on 2/8/2010. (Fernandez, Erica) (Entered: 02/09/2010)
04/19/2011	160	Letter *requesting dismissal of Alien Tort Statute claims pursuant to controlling decision issued by the Court of Appeals for the Second Circuit in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010)* by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Walsh, Kevin) (Entered: 04/19/2011)
04/19/2011	161	Letter *of John Eubanks in response to letter of Kevin Walsh dated April 19, 2011* by All Plaintiffs (Eubanks, John) (Entered: 04/19/2011)
04/21/2011	162	ORDER re 160 Letter, filed by Arab Bank, PLC ; This court is in receipt of defendant Arab Bank's letter dated April 19, 2011, requesting dismissal of all pending Alien Tort Statue ("ATS") claims in the above captioned cases, based on the Second Circuit's recent decision in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), and plaintiffs' response dated April 20, 2011. The plaintiffs request full

		briefing on the issue. This court agrees that any application for dismissal should be by formal motion. The parties should agree on a briefing schedule. However, in light of the pending petition for writ of certiorari in Kiobel, and the need for the efficient use of resources both of the parties and the court, the parties are directed to set a briefing schedule that follows a final determination of Kiobel by the Supreme Court. Ordered by Senior Judge Nina Gershon on 4/21/2011. (Fernandez, Erica) (Entered: 04/21/2011)
07/05/2013	373	Letter *from Douglas W. Mateyaschuk to Hon. Brian M. Cogan regarding Defendant Arab Bank's Motion to Dismiss Plaintiffs ATS Claims* by Arab Bank, PLC (Attachments: # 1 Notice of Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 2 Memorandum of Law in Support of Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 3 Declaration of Douglas Walter Mateyascuk, II, # 4 Exhibit 1, # 5 Exhibit 2 (Filed Under Seal), # 6 Exhibit 3 (Filed Under Seal), # 7 Exhibit 4 (Filed Under Seal), # 8

		Exhibit 5 (Filed Under Seal), # 9 Exhibit 6 (Filed Under Seal), # 10 Exhibit 7 (Filed Under Seal), # 11 Exhibit 8 (Filed Under Seal), # 12 Exhibit 9 (Filed Under Seal), # 13 Exhibit 10 (Filed Under Seal), # 14 Exhibit 11) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/05/2013	374	EXHIBIT *2 - 10 (Filed Under Seal)* by Arab Bank, PLC. Related document: 373 Letter, filed by Arab Bank, PLC. (Attachments: # 1 Exhibit 3 (Filed Under Seal), # 2 Exhibit 4 (Filed Under Seal), # 3 Exhibit 5 (Filed Under Seal), # 4 Exhibit 6 (Filed Under Seal), # 5 Exhibit 7 (Filed Under Seal), # 6 Exhibit 8 (Filed Under Seal), # 7 Exhibit 9 (Filed Under Seal), # 8 Exhibit 10 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/08/2013	375	MEMORANDUM in Opposition re 373 Letter, Plaintiffs' Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10

		Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
07/08/2013	376	MEMORANDUM in Opposition re 373 Letter, *Plaintiffs' REDACTED Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute* filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4 (Filed Under Seal), # 6 Exhibit 5 (Filed Under Seal), # 7 Exhibit 6 (Filed Under Seal), # 8 Exhibit 7, # 9 Exhibit 8 (Filed Under Seal), # 10 Exhibit 9 (Filed Under Seal), # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
08/12/2013	385	REPLY in Support re 373 Letter, *Reply Memorandum Of Law In Further Support Of Defendant Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute* filed by Arab Bank, PLC. (Attachments: # 1 Declaration of Douglas W. Mateyaschuk, II In Further Support of Arab Bank PLC's

		Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute, # 2 Exhibit 1 - Amicus Brief for Hashemite Kingdom of Jordan) (Walsh, Kevin) (Entered: 08/12/2013)
08/22/2013	391	Letter *from Kevin Walsh to Hon. Brian M. Cogan supplying supplemental authority in support of the Bank's motion to dismiss all pending ATS claims* by Arab Bank, PLC (Attachments: # 1 Balintulo v. Daimler, 09-2778(L) (2d Cir. filed Aug. 21, 2013)) (Walsh, Kevin) (Entered: 08/22/2013)
08/23/2013		Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. *See Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *aff'd*, *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." *Baraket v. Holder*, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed *Kiobel I* on other grounds, the Second Circuit's holding on corporate liability under the ATS

		remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy) (Entered: 08/23/2013)
08/28/2013	393	CLERK'S JUDGMENT. ORDERED and ADJUDGED that judgment is hereby entered in favor of Defendant Arab Bank, PLC and against Plaintiffs and that the case

		is closed. Ordered by Clerk of Court on 8/27/2013. (Siegfried, Evan) (Entered: 08/28/2013)
09/20/2013	394	Amended/Corrected NOTICE OF APPEAL as to Order, 393 Clerk's Judgment by All Plaintiffs. * * *. Filing fee $ 455, receipt number 0207-6446639. (Elsner, Michael) Modified on 10/2/2013 to reflect list of "All Plaintiffs." (McGee, Mary Ann) Modified on 10/4/2013 (McGee, Mary Ann). (Entered: 09/20/2013)
09/20/2013		Electronic Index to Record on Appeal sent to US Court of Appeals. 394 Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 09/20/2013)
10/04/2013		Corrected Electronic Index to Record on Appeal sent to US Court of Appeals. 394 Notice of Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 10/04/2013)

10/04/2013		NOTICE re 394 Corrected Notice of Appeal. Corrected Appeal regenerated for USCA. List of Plaintiffs/Appellants confirmed as correct by John M. Eubanks Esq. (McGee, Mary Ann) (Entered: 10/04/2013)
05/24/2016	395	MANDATE of USCA as to 394 Notice of Appeal, filed by All Plaintiffs. It is Ordered that the judgments of the District Court are AFFIRMED. Issued as Mandate: 5/24/16. (McGee, Mary Ann) (Entered: 05/24/2016)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
Agurenko et al. v. Arab Bank, PLC
Case No. 1:10-cv-00626

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
02/11/2010	1	COMPLAINT against Arab Bank, PLC Disclosure Statement on Civil Cover Sheet completed - No, filed by Vilia Garry, et al. (Attachments: # 1 Civil Cover Sheet) (Davis, Kimberly) (Entered: 02/16/2010)
02/11/2010		FILING FEE: $ 350.00, receipt number 4653011112 (Davis, Kimberly) (Entered: 02/16/2010)
02/11/2010		Summons Issued as to Arab Bank, PLC. (Davis, Kimberly) (Entered: 02/16/2010)
02/11/2010	2	Notice of Related Case (Davis, Kimberly) Entered: 02/16/2010)
03/05/2010	3	ORDER: An initial conference in the above-captioned case has been scheduled for Tuesday, June 29, 2010 at 10:00 a.m., before the Honorable Robert M. Levy, United States Magistrate Judge at 225 Cadman Plaza East, Brooklyn, New York. Parties are directed to check-in with chambers, Room 1223-S, upon arrival. All counsel

		must be present. Plaintiff(s) counsel is directed to confirm with defendant(s) counsel that all necessary participants are aware of this conference. Ordered by Magistrate Judge Robert M. Levy on 3/5/2010. See attached Order. (Marino, Janine) (Entered: 03/05/2010)
03/29/2010	6	MOTION to Consolidate Cases pursuant to Local Rule 50.3.1 by Dmitri Agurenko, et al. (Stone, David) (Entered: 03/29/2010)
03/30/2010	7	ORDER REASSIGNING CASE. Case reassigned to Senior Judge Nina Gershon and Magistrate Judge Viktor V. Pohorelsky for all further proceedings. Judge Eric N. Vitaliano, Magistrate Judge Robert M. Levy no longer assigned to case. Ordered by Chief Judge Raymond J. Dearie on 3/30/2010. Motions referred to Viktor V. Pohorelsky. (Davis, Kimberly) (Entered: 03/30/2010)
03/30/2010		NOTICE: This matter has been reassigned from Magistrate Judge Robert M. Levy to Magistrate Judge Viktor V. Pohorelsky for pretrial supervision. The conference scheduled for June 29, 2010 before the Honorable Robert M. Levy has been cancelled.

		(Marino, Janine) (Entered: 03/30/2010)
03/31/2010		NOTICE of Hearing: A Status Conference in the related Arab Bank cases is scheduled for Thursday, April 1, 2010 at 2:00 p.m. in Courtroom 13A South before Magistrate Judge Viktor V. Pohorelsky. Plaintiffs' counsel is encouraged to attend. (Toritto, Jim) (Entered: 03/31/2010)
04/06/2010	8	MINUTE ORDER for proceedings held before Magistrate Judge Viktor V. Pohorelsky: granting 6 Motion to Consolidate Cases; Motion Hearing held on 4/6/2010 re 6 MOTION to Consolidate Cases pursuant to Local Rule 50.3.1 filed by Anna Zubar, et al. *See annexed conference minutes for details* (Newton, Joan) (Entered: 04/06/2010)
04/29/2010	10	Letter *from Kevin Walsh to Judge Gershon requesting a pre-motion conference concerning the Bank's wish to file a motion to dismiss the complaint in the Agurenko action* by Arab Bank, PLC (Walsh, Kevin) (Entered: 04/29/2010)
05/05/2010	12	MEMORANDUM in Opposition *to defense request for a pre-motion conference re filing motion to*

		dismiss the complaint filed by Dmitri Agurenko, et al. (Stone, David) (Entered: 05/05/2010)
06/11/2010	20	SCHEDULING ORDER. By letter dated April 29, 2010 10, defendant requests a pre-motion conference regarding the filing of a motion to dismiss the complaint. No pre-motion conference is necessary. Defendant is to file its motion and memorandum of law by July 12, 2010. Plaintiffs are directed to respond by August 13, 2010. Defendant's reply, if any, must be filed by August 20, 2010. Ordered by Senior Judge Nina Gershon on 6/11/2010. (Ehrlich, Julie) (Entered: 06/11/2010)
07/15/2010	30	ORDER: Defendant's motion is hereby denied for the reasons set forth by this Court in its opinions denying in part and granting in part defendant's motions to dismiss the claims brought by the alien plaintiffs in the related actions pursuant to the Alien Tort Statute. Defendant shall serve and file its Answer to the Complaint on or before August 20, 2010. Ordered by Senior Judge Nina Gershon on 7/8/2010. (Fernandez, Erica) (Entered: 07/15/2010)

04/19/2011	134	Letter *requesting dismissal of Alien Tort Statute claims pursuant to controlling decision issued by the Court of Appeals for the Second Circuit in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010)* by Arab Bank, PLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Walsh, Kevin) (Entered: 04/19/2011)
04/19/2011	135	Letter *of John Eubanks in response to letter of Kevin Walsh dated April 19, 2011* by Viktoria Agurenko (Eubanks, John) (Entered: 04/19/2011)
04/21/2011	136	ORDER re 134 Letter, filed by Arab Bank, PLC; This court is in receipt of defendant Arab Bank's letter dated April 19, 2011, requesting dismissal of all pending Alien Tort Statue ("ATS") claims in the above captioned cases, based on the Second Circuit's recent decision in Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), and plaintiffs' response dated April 20, 2011. The plaintiffs request full briefing on the issue. This court agrees that any application for dismissal should be by formal motion. The parties should agree

		on a briefing schedule. However, in light of the pending petition for writ of certiorari in Kiobel, and the need for the efficient use of resources both of the parties and the court, the parties are directed to set a briefing schedule that follows a final determination of Kiobel by the Supreme Court. Ordered by Senior Judge Nina Gershon on 4/21/2011. (Fernandez, Erica) (Entered: 04/21/2011)
04/24/2013	314	Minute Entry for proceedings held before Judge Nina Gershon: Motion Hearing held on 4/24/2013. Oral argument on defendant's motion for summary judgment. Summary judgment is granted dismissing plaintiffs' claim for aiding and abetting. Summary judgment is denied as to all other remaining claims for the reasons stated on the record, except that decision on the conspiracy claim is reserved. The parties are to file a pretrial order with the court by June 24, 2013. A briefing schedule for the Banks motion to dismiss as to ATS claims was set. Any motion must be served by May 24, 2013. Plaintiffs' opposition must be served by July 8, 2013. Defendants reply must be served and all papers filed by August 2, 2013. (Court Reporter

		Victoria Torres Butler.) Associated Cases: 1:04-cv-02799-NG-VVP et al. (Joe, Victor) Modified on 4/30/2013 (Joe, Victor). (Entered: 04/30/2013)
07/05/2013	347	Letter *from Douglas W. Mateyaschuk to Hon. Brian M. Cogan regarding Defendant Arab Bank's Motion to Dismiss Plaintiffs ATS Claims* by Arab Bank, PLC (Attachments: # 1 Notice of Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 2 Memorandum of Law in Support of Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute, # 3 Declaration of Douglas Walter Mateyascuk, II, # 4 Exhibit 1, # 5 Exhibit 2 (Filed Under Seal), # 6 Exhibit 3 (Filed Under Seal), # 7 Exhibit 4 (Filed Under Seal), # 8 Exhibit 5 (Filed Under Seal), # 9 Exhibit 6 (Filed Under Seal), # 10 Exhibit 7 (Filed Under Seal), # 11 Exhibit 8 (Filed Under Seal), # 12 Exhibit 9 (Filed Under Seal), # 13 Exhibit 10 (Filed Under Seal), # 14 Exhibit 11) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/05/2013	348	EXHIBIT *2 - 10 (Filed Under Seal)* by Arab Bank, PLC. Related

		document: 347 Letter, filed by Arab Bank, PLC. (Attachments: # 1 Exhibit 3 (Filed Under Seal), # 2 Exhibit 4 (Filed Under Seal), # 3 Exhibit 5 (Filed Under Seal), # 4 Exhibit 6 (Filed Under Seal), # 5 Exhibit 7 (Filed Under Seal), # 6 Exhibit 8 (Filed Under Seal), # 7 Exhibit 9 (Filed Under Seal), # 8 Exhibit 10 (Filed Under Seal)) (Mateyaschuk, Douglas) (Entered: 07/05/2013)
07/08/2013	349	MEMORANDUM in Opposition re 347 Letter, Plaintiffs' Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted by Plaintiffs Pursuant to the Alien Tort Statute filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
07/08/2013	350	MEMORANDUM in Opposition re 347 Letter, Plaintiffs' REDACTED Memorandum of Law in Opposition to Defendant Arab Bank PLC's Motion to Dismiss Claims Asserted

		by Plaintiffs Pursuant to the Alien Tort Statute filed by All Plaintiffs. (Attachments: # 1 Declaration of John M. Eubanks, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4 (Filed Under Seal), # 6 Exhibit 5 (Filed Under Seal), # 7 Exhibit 6 (Filed Under Seal), # 8 Exhibit 7, # 9 Exhibit 8 (Filed Under Seal), # 10 Exhibit 9 (Filed Under Seal), # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13) (Eubanks, John) (Entered: 07/08/2013)
08/12/2013	359	REPLY in Support re 347 Letter, *Reply Memorandum Of Law In Further Support Of Defendant Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute* filed by Arab Bank, PLC. (Attachments: # 1 Declaration of Douglas W. Mateyaschuk, II In Further Support of Arab Bank PLC's Motion To Dismiss Claims Asserted By Plaintiffs Pursuant To The Alien Tort Statute, # 2 Exhibit 1 - Amicus Brief for Hashemite Kingdom of Jordan) (Walsh, Kevin) (Entered: 08/12/2013)
08/22/2013	365	Letter, *PLC* (Attachments: # 1 Balintulo v. Daimler, 09-2778(L)

		(2d Cir. filed Aug. 21, 2013)) (Walsh, Kevin) (Entered: 08/22/2013)
08/23/2013		Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. *See Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *aff'd*, *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." *Baraket v. Holder*, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed *Kiobel I* on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. *Almog v.*

		Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy) (Entered: 08/23/2013)
08/23/2013	366	ORDER Regarding Motions in Limine. See document for rulings. Ordered by Judge Brian M. Cogan on 8/22/2013. Associated Cases: 1:04-cv-02799-BMC-VVP et al. (Chee, Alvin) (Entered: 08/23/2013)
08/28/2013	367	CLERK'S JUDGMENT. ORDERED and ADJUDGED that judgment is hereby entered in favor of Defendant Arab Bank, PLC and against Plaintiffs and that the case is closed. Ordered by Clerk of Court on 8/27/2013. (Siegfried, Evan) (Entered: 08/28/2013)
09/20/2013	368	NOTICE OF APPEAL as to 367 Clerk's Judgment, Order, by All

		Plaintiffs. Dmitri Agurenko, et al., FILED. [Filing fee $ 455, receipt number 0207-6446651. (Elsner, Michael) Modified on 10/2/2013 to reflect list of "All Plaintiffs" (McGee, Mary Ann). Modified on 10/15/2013 to include Plaintiffs: Leah Yekutiel and Vladisllav Agurenko (McGee, Mary Ann). (Entered: 09/20/2013)
09/20/2013		Electronic Index to Record on Appeal sent to US Court of Appeals. 368 Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 09/20/2013)
05/24/2016	369	MANDATE of USCA as to 368 Notice of Appeal. It is Ordered that the judgments of the District Court are AFFIRMED. Issued as Mandate: 5/24/16. (McGee, Mary Ann) (Entered: 05/24/2016)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case Number: 04-CV-5564

ORAN ALMOG, et al.,

Plaintiffs,

v.

ARAB BANK, PLC,

Defendant.

Judge Gershon
Magistrate Judge Chrein

FIRST AMENDED COMPLAINT

What follows are averments and allegations, including the foundational facts pled in the Introduction, applicable to each cause of action pled herein:

INTRODUCTION

1. For the better part of the last decade, groups of Palestinian militants in the West Bank and Gaza Strip have acted with a united purpose to eradicate the State of Israel through a campaign of terror, genocide and crimes against humanity.

2. The acts giving rise to this action are the result of a systematic and widespread campaign of suicide bombings and other murderous attacks that have been authorized, directed and/or committed by the Islamic Resistance Movement ("Hamas"), the Palestinian

Islamic Jihad ("PIJ"), the Al-Aqsa Martyrs' Brigade ("AAMB"), and the Popular Front for the Liberation of Palestine ("PFLP") – all of whom have been listed for years by the United States Department of the Treasury as Specially Designated Global Terrorists ("SDGTs") and also have been designated by the United States Department of State as foreign terrorist organizations ("FTOs").

3. The Defendant in this action, Arab Bank, Plc ("Arab Bank"), has provided both explicit and tacit support for the goals espoused by these terrorist organizations in their attempt to destroy the State of Israel. The Chairman of Arab Bank, Abdul Majeed Shoman, has repeatedly and very publicly expressed Arab Bank's stance supporting the eradication of the State of Israel.

- In a July 2000 interview published in the Jordanian newspaper *Al-Dustour* entitled "The Jews Have No Right to Palestine" – prior to the renewed outbreak of violence – Shoman "said that for him a just solution would be the return [sic] of all Palestinian lands to their legitimate historical residents, i.e., the Palestinian people and the Arab nation. Shoman said he was against a Palestinian compromise [based on] a partial return [which included] the loss of some land, and that the Jews had no right to the land of Palestine."

- According to an October 2000 article published in *Al-Dustour* Shoman held a meeting at the head offices of the Arab Bank [in Jordan], at which he led a discussion on the Popular Committee for Support of the Intifada. The Committee gives financial

support directly to the families of Palestinian "martyrs" and the wounded. At the meeting, Dr. Mamduh al-Abadi, chairman of the board, announced that they would continue giving direct financial aid to the families of *shaheeds* (martyrs) and the wounded of the Al-Aqsa intifada. Shoman made a personal contribution to the Al-Aqsa Intifada and also received contributions from his employees, who donated 5% of their salaries in support of the Al-Aqsa Intifada.

- An article published in *Al-Bayan*, a UAE newspaper, on May 31, 2001, cites a press release in which Shoman stated that "most of the institution's [Popular Committee for Support of the Intifada] activities centered around supporting the Intifada [the ongoing violent Palestinian-Israeli confrontation] and the Al-Aqsa Fund, which the institution had established at the beginning of the confrontation. He called upon Arab and Palestinian businessmen to make generous donations to the Al-Aqsa Intifada Fund, which provides emergency support for the families of "martyrs" and those wounded in the Intifada.

4. This civil action is being brought on behalf of victims of this latest surge of Palestinian terror which has been accomplished with the complicity of a number of financial institutions within the Middle East – primary among them, the Defendant, Arab Bank. It is brought by United States nationals and foreign nationals who are close family members of those killed along with those injured by the terrorist attacks

carried out in violation of the laws of nations, United States' statutes, and general federal common law.

5. The claims of the victims are brought on behalf of United States nationals pursuant to the Antiterrorism Act of 1990, 18 U.S.C. § 2331, *et seq.*, and on behalf of foreign nationals pursuant to the Alien Tort Claims Act, 28 U.S.C. § 1350.

6. Hamas', PIJ's, AAMB's, and PFLP's suicide bombings and other murderous attacks have involved the use of explosives, incendiary weapons, and other lethal devices which were designed and built so as to maximize resulting death and serious bodily injury. To this end, Hamas', PIJ's, AAMB's, and PFLP's suicide bombings and other murderous attacks involved the intentional delivery, placement, discharge, and/or detonation of explosives, incendiary weapons, and lethal devices in public places, State, government, and public facilities, and in public transportation system(s), including buses.

7. While separate organizations, Hamas, PIJ, AAMB, and PFLP have long and openly adhered to a shared mission: to topple and eradicate the State of Israel, murder or throw out the Jews, and liberate the area by replacing it with an Islamic and/or Palestinian state through the use of suicide bombings and other shockingly egregious violent acts which constitute violations of fundamental and universally recognized precepts of international law which are reflected in a multitude of international accords.

8. In a series of Friday sermons which aired on Palestinian TV ("PATV"), Dr. Muhammad Ibrahim Madi clearly stated this "lofty goal" when he cried out: "Shame upon he who does not educate his children the education of Jihad [armed struggle against the

infidels, or holy war] . . .blessings upon he who dons a vest of explosives on himself or on his children and goes in to the midst of the Jews and says: Allah Akbar [Allah is Great] . . ." [Dr. Muhammad Ibrahim Madi, Friday sermon, PA television, June 8, 2001].

9. A few months later on August 3, 2001, Dr. Madi recounted a conversation he had with a 14 year old boy who wanted to blow himself up and kill Jews. His blood-curdling sermon broadcast live on PATV that day went:

> "I was uplifted when a youth said: 'Oh, Sheikh, I am 14 years old. I have 4 more years and then I will blow myself up among Allah's enemies, I will blow myself up among the Jews.' I said to him, 'Oh young child, may Allah let you merit Shahada [martyrdom] and let me merit Shahada . . .
>
> 'All the weapons must be aimed at the Jews, Allah's enemies, the cursed nation in the Koran, whom Allah describes as monkeys and pigs, worshippers of the calf and idol worshippers . . . Nothing will deter them except the color of blood in their filthy nation . . .unless we blow ourselves up, willingly and as our duty, in their midst . . .'
>
> May Allah make the Moslem rule over the Jew. We will blow them up in Hadera, we will blow them up in Tel-Aviv and in Netanya so that Allah will make us masters over this riff-raff. We will fight against them and rule over them until the Jew will hide behind the trees and stones and the tree and stone will say: 'Moslem! Servant of Allah, there is a Jew behind me, kill him.' We shall enter

> Jerusalem as conquerors, and Jaffa as conquerors, and Haifa as conquerors and Ashkelon as conquerors . . . . Blessings upon he who educates his sons in the path of Jihad and Shahada!" [Dr. Muhammad Ibrahim Madi, Friday sermon, PATV, August 3, 2001]

10. At a Muslim Arab Youth Association Conference in Los Angeles in 1994, Sheikh Muhammed Siyam (who at the time was Hamas' representative to the Sudan) stated: "I've been told to restrict or restrain what I say . . . I hope no one is recording me or taking any pictures, as none are allowed . . . because I'm going to speak the truth to you. It's simple. Finish off the Israelis. Kill them all! Exterminate them! No peace ever! Do not bother to talk politics."

11. Ariel Sharon, the Prime Minister of the State of Israel, has himself declared that Hamas leaders have ". . . only one objective: the destruction of Israel."

12. Consistent with their goals and objectives, Hamas, PIJ, AAMB, and PFLP cooperate in the planning and commission of joint terrorist attacks. Using suicide bombings and other shockingly egregious acts of international terror directed at Plaintiffs and other unarmed Israeli civilians, those groups have for years systematically and continuously terrorized, injured and killed thousands of unarmed innocent members of the Israeli civilian population through repeated suicide bombings, or "martyrdom" operations.

13. Plaintiffs herein were injured or killed in Hamas, PIJ, AAMB and/or PFLP suicide bombings and other murderous attacks committed in Israel, the West Bank or the Gaza Strip.

14. To successfully plan, fund, and carry out these attacks, Hamas, PIJ, AAMB and PFLP rely upon an

open, notorious, well known, and formalized system of terrorist financing which incentivizes and incites the attacks by paying families of suicide bombers. As the Israeli government, former Secretary of State Colin L. Powell, Defense Secretary Donald H. Rumsfeld, Deputy Defense Secretary Paul D. Wolfowitz, and even captured suicide bombers have stated, payments to families of suicide bombers encourage suicide bomb attacks.

15. One fifteen (15) year old boy captured by Israeli soldiers before he was able to blow himself up in a suicide mission at an Israeli checkpoint was asked by a BBC Reporter whether AAMB promised him anything in return for carrying out the attack. The little boy responded: "Of course they did. They told me, once you carry out the operation and the soldiers come and demolish your home, we'll stand by your parents and rebuild your house and give them money."

16. In hearings in 1990 regarding the then-pending Antiterrorism Act of 1990, Joseph A. Morris, a former Department of Justice attorney and former General Counsel of the United States Information Agency, testified:

> International terrorism has become, in many respects, an industry. It rests on a foundation of money. Money is often more important to the masters of terrorism than are people. That they care little for their victims goes without saying; but it is instructive of many terrorist organizations appear to care little for their own operatives, treating them as fungible and dependable.

17. Defendant Arab Bank solicited, collected, transmitted, disbursed and provided the financial resources that allowed Hamas, PIJ, AAMB and PFLP to flourish and to engage in a campaign of terror, genocide, and crimes against humanity in an attempt to eradicate the Israeli presence from the Middle East landscape. Arab Bank has knowingly and intentionally, both directly and indirectly, aided and abetted, intentionally facilitated, and/or recklessly disregarded the commission of these attacks by Hamas, PIJ, AAMB, and PFLP.

18. In addition to maintaining accounts at its bank for well known terrorist front groups and individuals who supported their causes, Defendant Arab Bank also empowered Hamas, PIJ, AAMB, and PFLP by providing instructions to the general public on how to qualify and collect money; and by serving as the "paymaster" to the families of those genocidal murderers and maimers who carried out suicide bombings and other murderous attacks against innocent United States nationals, Israeli nationals, and nationals of other countries who happened to be in Israel when these bombings took place. With the aid of public and private donations deposited in numerous accounts established at financial institutions in the Middle East – primary among them the Arab Bank – and opened for the explicit purpose of providing funds to families of the martyrs of Hamas, PIJ, AAMB and PFLP, these foreign terrorist organizations were given free reign to continue their campaign of terror and to expand their terrorist objectives throughout the State of Israel.

19. In its opinion regarding the appeal of Sheikh Ra'ed Salah, head of the Northern faction of the Islamic movement, the Israeli Supreme Court noted

the following regarding the "charitable societies" and their relation to Hamas:

> The modus operandi of the organization [known as] Hamas, as described by professional opinion and [demonstrated by] the evidence, shows that its civilian activities provide an infrastructure for its terrorist activities by supporting, reinforcing and encouraging them . . . transferring funds to support the families of suicide bombers and security detainees can certainly be considered an incentive and encouragement for the perpetrating of lethal terrorist attacks and has nothing in common with ordinary religious behests to contribute to the welfare of the needy and indigent, which the complainant [sheikh Ra'ed Salah] and his representatives would like to use to camouflage their actions.

(From the decision rendered by the Israeli Supreme Court regarding the appeal of sheikh Ra'ed Salah, head of the northern faction of the Islamic Movement, page 7 paragraph 5, August 18, 2003).

20. In Saudi Arabia, two specific groups were created to raise funds to aid in the proliferation of the terrorist objectives of Hamas, PIJ, AAMB, and/or PFLP. These groups, called the Popular Committee for Assisting the Palestinian Mujahideen and another group formed in 2000 known as the Saudi Committee for Aid to the Al-Quds Intifada, set up Account 98 Accounts at banks all over Saudi Arabia to raise funds specifically for the families of the martyrs of Hamas, PIJ, AAMB, and PFLP. In addition, the committees solicited private donations directly to accounts at Arab Bank.

21. Funds deposited into Account 98 Accounts (hereinafter collectively referred to as "Account 98") at banks in Saudi Arabia were transferred to accounts at the Arab Bank. The Arab Bank would then transfer these funds to the families of the martyrs through the branch offices of the Arab Bank within the West Bank and the Gaza Strip. Often, if not always, Account 98 funds went through Arab Bank's branch in New York, NY, USA, before being transferred to accounts in the Middle East.

22. By serving as the ultimate paymaster to the families and charitable committees in the West Bank and Gaza Strip operated on behalf of Hamas, PIJ, AAMB, and PFLP, the Arab Bank facilitated the increase in terrorist operations carried out by these organizations by incentivizing this conduct. The individual terrorist knew that if he committed a suicide operation, his family would be supported by funds held in their name by the Arab Bank.

23. The following chart demonstrates the relationship between this funding and the proliferation of terrorist attacks:

YEAR	Terror Attacks Israel (suicide and other bombs)	Popular Committee for Assisting the Mujahideen	Committee for the Al-Quds Intifada & Al-Aqsa Funds	TOTAL
1998	1	3,600,000	0	3,600,000
1999	0	3,490,000	0	3,490,000
2000	4	8,418,348	0	8,418,348
2001	36	9,473,628	14,454,190,000	14,463,663,628
2002	44	266,575,791	350,000,000	616,575,791
2003**	22	7,226,384	720,003,150	727,229,534
TOTALS		298,784,151	15,524,193,150	15,822,977,301

(all amounts above are in Saudi Riyals)

24. In addition to violating well established international laws and principles, Arab Bank's acts and omissions violated national policies of the United States. On January 23, 1995, President Clinton issued Executive Order 12947 declaring a national emergency on the grounds that "grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat."

25. President George W. Bush stated in a joint session of Congress on September 20, 2001: "We must starve terrorists of funding, turn them against one another, drive them from place to place until there is no refuge or no rest." On June 25, 2003, President Bush called for "swift, decisive action against [Palestanian] terror groups such as Hamas, to cut off their funding and support." On October 17, 2003, Vice President Richard B. Cheney described the Bush doctrine: "Any person . . . that *supports*, protects or harbors terrorists is complicit in the murder of the innocent and will be held to account" (emphasis added).

26. The legislative and judicial branches have affirmed these principles. Article I, section 8 of the Constitution of the United States gives the Congress the power to "define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations." Congress did just that in 1789 when it passed the Alien Tort Claims Act which provides: "The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." 28 U.S.C.A. 1350.

27. In addition, The Antiterrorism Act of 1990, seeks to accomplish these ends by opening the courthouse door to victims of international terrorism. The Senate Report on the Antiterrorism Act of 1990 remarks that the legislation, with "its provisions for compensatory damages, treble damages, and the imposition of liability at **any point along the causal chain of terrorism**" would "interrupt, at least imperil, the flow of money." S. Rep. 102-342, at 22 (1992). These principles were affirmed and strengthened by Congress in the passage of the USA Patriot Act of 2001, Pub. L. 107-56 (Oct. 26, 2001) and by the Courts, which have indicated that they will heed the will of Congress and the expression of purpose by the executive branch to apply aggressively statutory remedies to compensate victims and to punish anyone who provides material support to, or aids and abets, international terrorist organizations.

28. Plaintiffs bring this action in furtherance of (i) policies of the United States and the rest of the world which universally condemn acts of genocide, crimes against humanity, international terrorism, and the financing of international terrorism; (ii) the intent of the Congress to compensate victims of such acts and assure that support for them shall not be a cost-free undertaking, and (iii) the will of the international community, to hold accountable all persons who financially aid, or otherwise provide material support to, violations of the law of nations including, but not limited to, genocide, crimes against humanity, international terrorism, and the financing of international terrorism.

PARTIES

Plaintiffs

29. Plaintiffs, described below, are victims of international terrorism, genocidal conduct and crimes against humanity. They include persons injured and close family members or representatives of persons killed or injured in suicide bombings and other shockingly egregious acts of international terror, and are citizens of the United States, Israel, Russia, France, Poland, Romania, Argentina, Ukraine, Kazakhstan, Uzbekistan, Moldova and Afghanistan.

The Suicide Bombings and Other Acts of Terrorism Carried out in Furtherance of the Campaign of Genocide and Crimes Against Humanity

30. Suicide bombers and other genocidal murderers and maimers supported, encouraged and enticed by funds collected and disbursed by Arab Bank were responsible for the following acts of international terrorism, which were committed with the intent to destroy the State of Israel by the systematic murder of Jews and other Israelis, including the plaintiffs herein:

(1) January 15, 2005: Hamas operatives launch a Qassam rocket into Sderot. The rocket explodes, showering shrapnel which kills Ela Abuksis, a citizen of Israel, daughter of plaintiff Jonathan Abuksis, a citizen of Israel, and wounds plaintiff Tamir Ya'akov Abuksis, a citizen of Israel and son of plaintiff Jonathan Abuksis, a citizen of Israel;

(2) November 1, 2004: A PFLP suicide bomber detonates in the Ha'Carmel Market in central Tel Aviv, killing 3 and wounding

over 30, including plaintiff Agnia Bugita, a citizen of Israel and daughter of plaintiff Romoalda Zamaition, a citizen of Israel, and plaintiff Farid Tayeh, a citizen of Israel, son of plaintiffs Shauki Tayeh and Usra Tayeh, both citizens of Israel, and brother of plaintiffs Machmud Abu Lila, Imtiyaz Tayeh, Khuoulud Abu Lila, Kanua Abu Lila, Majda Abu Lila, Ahmad Abu Lila, Shara Tayeh, Murad Tayeh, Manar Tayeh, and Rawa Abu Lila, all citizens of Israel;

(3) September 22, 2004: A female AAMB suicide bomber blows herself up near a crowded bus stop at Jerusalem's Hagiva Hatzarfatit junction, killing one person and injuring 14, including plaintiff Menahem Ben Menahem, a citizen of Israel and father of plaintiff Ben Ben Menahem, a citizen of Israel, and plaintiff Ephraim Aroas, a citizen of Israel, son of plaintiffs Izak Aroas and Yaffa Aroas, both citizens of Israel, and brother of plaintiffs Yossi Aroas, Zehava Levi, Avi Aroas, Netanel Aroas, Ben-Israel Aroas, and Or Aroas, all citizens of Israel;

(4) August 31, 2004: Hamas carries out two suicide bombings within minutes of each other on two Beersheba city buses, killing 16 people, including plaintiff Denise Hadad, a citizen of Israel, wife of plaintiff Osher Hadad, a citizen of Israel, and mother of plaintiffs Hadas Hadad, Ronen Hadad, Mital Hadad, and Shlome Hadad, all citizens of Israel, and wounding over 100;

(5) June 27, 2004: An AAMB terrorist shoots and kills Moshe Yohai, a citizen of Israel and

father of plaintiffs Sima Yohai Dan, a citizen of Israel, and Suzan Ben Abraham, a citizen of the United States, in his car in Beit Rima;

(6) April 17, 2004: A suicide bomber explodes at the Erez Crossing, killing border policeman Kafir Ochyon, a citizen of Israel, son of plaintiffs Yael Ochyon and Abraham Ochyon, both citizens of Israel, and brother of plaintiffs Saphir Ochyon, Roei Ochyon, Ophek Ochyon, and Navo Ochyon, all citizens of Israel, and wounding 3. Hamas and Fatah claim joint responsibility;

(7) March 14, 2004: Hamas and the AAMB claim joint responsibility for dual suicide attacks at Ashdod port which injure 16 and kill 10, including Avraham Avraham, a citizen of Israel and husband of plaintiff Esther Avraham, a citizen of Israel; Moris Touboul, a citizen of Israel and brother of plaintiff Simon Touboul, a citizen of Israel; Ofir Damari, a citizen of Israel, husband of plaintiff Hadar Damari, a citizen of Israel, and father of plaintiffs Noa Damari and Guy Damari, both citizens of Israel; and Moshe Hendler, a citizen of Israel, husband of plaintiff Meirav Tourjeman-Hendler, a citizen of Israel, father of plaintiff Tal Tourjeman-Hendler, a citizen of Israel, brother of plaintiff Tamar Hendler, a citizen of Israel, and son of plaintiffs Avram Hendler and Zipora Hendler, both citizens of Israel;

(8) February 22, 2004: An AAMB suicide bombing of a No. 14 bus in Jerusalem kills 8, including Yaffa Ben-Shimul, a citizen of Iraq and wife of plaintiff Solomon Ben-

Shimul, a citizen of Morocco; Benayahu Zuckerman, a citizen of Israel and son of plaintiff Moshe Zuckerman, a citizen of Israel; Nathaniel Habsush, a citizen of Israel and son of plaintiff Yair Habsush, a citizen of Israel; Rachamim Doga, a citizen of Israel and son of plaintiff Hama Doga, a citizen of Israel; Lior Azulay, a citizen of Israel and son of plaintiff Edgar Azulay, a citizen of Israel; and Yuval Ouzana, a citizen of Israel, husband of plaintiff Ketie Ouzana, a citizen of Israel, son of plaintiffs Shulamit Ouzana and David Ouzana, both citizens of Israel, and brother of plaintiffs Orly Shushan, Dan Ouzana, and Ronit Peretz, all citizens of Israel, and injures over 60, including plaintiff Nir Cohen, a citizen of Israel and son of plaintiff Mazal Cohen, a citizen of Morocco;

(9) January 29, 2004: An AAMB suicide bomber detonates aboard a Jerusalem bus, killing 10, including Hava Hana Bundar, a citizen of Israel, daughter of plaintiffs Irina Sugin and Immanuel Sugin, both citizens of Israel, sister of plaintiff Nadia Adina Rose, a citizen of Israel, and mother of plaintiffs Shimon Bundar and Nechama Bundar, both citizens of Israel; Dina Lavan Itach, a citizen of Israel and daughter of plaintiff Zehava Lavan, a citizen of Israel; and Roman Baruch Hondiashvili, a citizen of Israel, husband of plaintiff Eti Hondiashvili, a citizen of Israel, and father of plaintiffs Menahem Hondiashvili, Riva Revital Hondiashvili, and Itshak Hondiashvili, all citizens of Israel; and injuring over 50, including plaintiff Vered Luzon, a citizen of Israel, and Talia Benisti, a citizen

of Israel and wife of plaintiff Moshe Benisti, a citizen of Israel;

(10) October 24, 2003: A Palestinian armed with a rifle and grenades infiltrates the army base at Netzarim shoots and kills 3, including Adi Osman, a citizen of Israel, daughter of plaintiffs Yael Osman and Shabtai Osman, both citizens of Israel, and sister of plaintiffs Einat Shabat-Cohen and Inbar Osman, both citizens of Israel. PIJ and Hamas claim joint responsibility;

(11) October 22, 2003: Plaintiff Gavriel Ben Yitschak, a citizen of Israel and husband of plaintiff Bracha Ben Yitschak, a citizen of Israel, is shot and wounded in Tel Romeda, Hebron;

(12) October 4, 2003: A female PIJ suicide bomber blows herself up at the popular Maxim Restaurant in Haifa. 21 are killed, among them Irena Soffrrin, a citizen of Israel, daughter of plaintiffs Vladamir Nodleman and Brahe Nodleman, both citizens of Israel, and wife of plaintiff Avner Soffrrin, a citizen of Israel; George Matar, a citizen of Israel and husband of plaintiff Elham Matar, a citizen of Israel; Naomi Volovsky Biano, a citizen of Israel, sister of plaintiff Michael Volovsky, a citizen of Israel, and daughter of plaintiffs Reghina Volovsky and Dorian Volovsky, both citizens of Israel; Nir Regev, a citizen of Israel, son of plaintiffs Ora Regev and Eli Regev, both citizens of Israel, and brother of plaintiff Asaf Regev, a citizen of Israel; Ruth Almog and Zeev Almog, both citizens of Israel, parents of plaintiffs Iris Schwartz and

Galit Shtayer, both citizens of Israel; Moshe Almog, a citizen of Israel, husband of plaintiff Orly Almog, a citizen of Israel, brother of plaintiffs Iris Schwartz and Galit Shtayer, and father of plaintiffs Adi Almog, a citizen of Israel, and Oran Almog, a citizen of Israel and the United States; Tomer Almog, a citizen of Israel, son of plaintiff Orly Almog; Asaf Shtayer, a citizen of Israel and son of plaintiff Galit Shtayer; Zvi Bahat, a citizen of Israel, son of plaintiffs Edna Bahat and Danny Bahat, both citizens of Israel, father of plaintiffs Inbar Bahat and Hadar Bahat, both citizens of Israel, and husband of plaintiff Tova Sarig-Bahat, a citizen of Israel; Bezalel Zer Aviv, a citizen of Israel, son of plaintiff Freddy Zer Aviv, a citizen of Israel, and brother of plaintiffs Sophie Zer Aviv and Gabi Zer Aviv, both citizens of Israel; Karen Zer Aviv, a citizen of Israel, daughter of plaintiff Shiron Almakies and Margulite Almakies both citizens of Israel, and sister of plaintiffs David Almakies, Shay Almakies, Itay Almakies, and Hagai Almakies, all citizens of Israel; Liran Zer Aviv, a citizen of Israel, grandson of plaintiffs Shiron Almakies and Margulite Almakies; Noya Zer Aviv, a citizen of Israel, granddaughter of plaintiffs Shiron Almakies and Margulite Almakies; Hana Fransis, a citizen of Israel and son of plaintiff Naim Fransis, a citizen of Israel; and Sharbel Mattar, a citizen of Israel, brother of plaintiff Lina Mattar, a citizen of Israel. 51 are wounded, including plaintiff Tova Sarig-Bahat, a citizen of Israel and mother of plaintiffs Hadar Bahat and Inbar Bahat, both

citizens of Israel; plaintiff Galit Shtayer, mother of plaintiff Omri Shtayer, a citizen of Israel, wife of plaintiff Ofer Shtayer, a citizen of Israel, and sister of plaintiff Iris Schwartz; and Adi Almog and Oran Almog, children of plaintiff Galit Shtayer;

(13) September 9, 2003: Eight young Israelis are killed, including Mazi Grego, a citizen of Israel, daughter of plaintiff Orly Grego, a citizen of Israel, and sister of plaintiffs Ben Grego and Adi Grego, both citizens of Israel; Yael Kfir, a citizen of Israel and daughter of plaintiff Ben Kfir, a citizen of Israel; Haim Alfassy, a citizen of Israel and husband of plaintiff Orly Alfassy, a citizen of Israel; Ya'akov Ben Shevet, a citizen of Israel, husband of plaintiff Tatiana Ben Shevet, a citizen of Russia, and father of plaintiffs Paz Ben Shevet, Yakir Ben Shevet, and Aviv-Sarah Ben Shevet, all citizens of Israel; Felix Nikolaichuk, a citizen of Israel, son of plaintiff Sergay Nikolaichuk, a citizen of Israel, and brother of plaintiff Alexander Nikolaichuk, a citizen of Israel; and Prosper Tvito, a citizen of Israel and France and son of plaintiff Efrim Tvito, a citizen of Israel and France, and 14 wounded in a Hamas suicide bombing at a bus stop near Tel Aviv. The explosion blasts human remains 20 feet on the underside of the roof of the bus shelter.

(14) September 9, 2003: A second Hamas suicide bomber strikes at the Café Hillel, a popular venue in the heart of Jerusalem's German Colony. The bomber is stopped by a security guard as he approaches the café and

detonates the explosive, blowing in the windows on the main street. 7 bystanders are killed, including Alon Mizrachi, a citizen of Israel and son of plaintiff Menashe Mizrachi, a citizen of Israel, and Gila Moshe, a citizen of Israel, wife of plaintiff Boaz Moshe, a citizen of Israel, and mother of plaintiffs Safir Moshe and Nir Moshe, both citizens of Israel; over 50 are wounded, including plaintiff Shimrit Ayvas, a citizen of Israel, daughter of plaintiffs Ehud Ayvas and Shoshana Ayvas, both citizens of Israel, and sister of plaintiffs Sarit Ayvas, Shlomi Ayvas, and Aviran Ayvas, all citizens of Israel; plaintiff Netta Zaken, a citizen of Israel, daughter of plaintiffs Yakov Zaken and Bat-Sheva Zaken, both citizens of Israel, and sister of plaintiffs Netanel Zaken, Lidor Zaken, and Moshe Zaken, all citizens of Israel; plaintiff Shay Cohen, a citizen of Israel, husband of plaintiff Roti Cohen, a citizen of Israel, and father of plaintiffs Din Cohen, Alon Cohen, and Omer Cohen, all citizens of Israel; and plaintiff Miran Azran, a citizen of Israel, daughter of plaintiffs Haim Azran and Ziona Azran, both citizens of Israel, and sister of plaintiff Hofit Azran, a citizen of Israel;

(15) August 19, 2003: A Hamas suicide bomber dressed in the garb of an orthodox Jew boards a No. 2 Egged bus in Jerusalem and detonates himself, killing 23, including Elisheva Meshulami, a citizen of Israel, daughter of plaintiffs Mesholem Meshulami and Sima Meshulami, both citizens of Israel, and sister of plaintiffs Samuel Meshulami, David Meshulami, Yitzhak Meshulami, Chaim

Meshulami, Leah Meshulami, Esther Meshulami, and Miriam Meshulami, all citizens of Israel, and wounding 133, including plaintiff Sima Meshulami;

(16) August 12, 2003: A Hamas suicide bomber explodes at a bus stop in Ariel, killing 2, including Amatzia-Andrei Nisnevitch, a citizen of Israel, son of plaintiffs Marina Sara Nisnevitch and Michael Misnevitch, both citizens of Israel, and brother of plaintiffs Talia Nisnevitch, Pinchas Nikolai Nisnevitch, Biniamin Nisnevitch, and Dmitry David Nisnevitch, all citizens of Israel;

(17) August 10, 2003: Hizballah terrorists launch an anti-aircraft shell from Lebanon into Israel, which injures 3 and kills Haviv Dadon, a citizen of Israel, son of plaintiffs Miryam Dadon and Hananya Dadon, both citizens of Israel, and brother of plaintiffs Eti Dadon, Arik Dadon, Doron Dadon, Orli Mayal, and Meir Dadon, all citizens of Israel;

(18) June 19, 2003: A PIJ suicide bomber blows up in a grocery store in Beit She'an, killing Avner Mordechai, a citizen of Israel and father of plaintiff Limor Ben-Shmuel, a citizen of Israel;

(19) June 13, 2003: An AAMB gunman shoots and wounds 2, including plaintiff Hila Edery, a citizen of Israel, wife of plaintiff Gad Edery, a citizen of Israel and France, mother of plaintiffs Zohar Edery, Hadar Edery, and Dvir Edery, all citizens of Israel, and daughter of plaintiffs Eytan Weiner and

Rahel Weiner, both citizens of Israel, in an attack at Neve Zuf;

(20) June 11, 2003: A Hamas suicide bomber detonates himself on a bus in Jerusalem, killing 17, including Bat-El Ohana, a citizen of Israel, daughter of plaintiffs Meir Ohana and Gitit Ohana, both citizens of Israel, and sister of plaintiffs Nisan Ohana and Sivan Ohana, both citizens of Israel; Yaniv Abayed, a citizen of Israel, son of plaintiffs Nili Abayed and Herzel Abayed, both citizens of Israel, and brother of plaintiff Shani Abayed, a citizen of Israel; Roi Eliraz, a citizen of Israel, son of plaintiffs Irit Eliraz and Meir Eliraz, both citizens of Israel, and brother of plaintiffs Guy Eliraz, Dana Eliraz, and Michal Eliraz, all citizens of Israel; and Anna Orgel, a citizen of Israel, daughter of plaintiff Yael Orgel, a citizen of Israel, and sister of plaintiff Orit Arvatz, a citizen of Israel, and injuring over 100, including plaintiff Ariel Elmashali, a citizen of Israel, son of plaintiff Shoshana Elmashali, a citizen of Israel, and brother of plaintiffs Netanael Elmashali, Daniel Elmashali, and Yaakov Elmashali, all citizens of Israel;

(21) June 8, 2003: Palestinian terrorists wearing IDF uniforms open fire on IDF soldiers at the Erez Crossing, killing 4, including Boaz Emt, a citizen of Israel, son of plaintiffs Rachel Emt and David Emt, both citizens of Israel, and brother of plaintiffs Michael Emt, Yochai Emt, and Eldad Emt, all citizens of Israel. 4 more are wounded; AAMB, Hamas, and PIJ issue a joint statement of responsibility;

(22) May 19, 2003: A PIJ suicide bomber blows himself up at the Amakim Mall in Afula, killing 3, including Arkadi Vizelman, a citizen of the Ukraine, husband of plaintiff Victoria Vizelman, a citizen of the Ukraine, and father of plaintiffs Rinat Vizelman and Shulamit Alexandra Vizelman, both citizens of Israel, and Avraham Zarian, a citizen of Israel and brother of plaintiff Meir Zarian, a citizen of Israel, and wounding 70, including plaintiff Hadar Gitlin, a citizen of Israel and daughter of plaintiff Meir Gitlin, a citizen of Israel; plaintiff Sigal Naveh, a citizen of Israel and daughter of plaintiffs Mina Naveh and Itzhak Naveh, both citizens of Israel; plaintiff Natalia Kabra, a citizen of Israel, wife of plaintiff Jossef Kabra, a citizen of Israel, daughter of plaintiff Inessa Zorov, a citizen of Israel, and mother of plaintiffs Hadar Kabra, Meitar Kabra, and Elinor Kabra, all citizens of Israel; plaintiff Liron Goshen, a citizen of Israel and daughter of plaintiff Rahel Goshen, a citizen of Israel; plaintiff Braha Avraham, a citizen of Israel, wife of plaintiff Aharon Avraham, a citizen of Israel, and mother of plaintiffs Shahaf Avraham, Aviv Avraham, Lihay Avraham, and Lirit Avraham, all citizens of Israel; plaintiff Orly Kursh, a citizen of Israel; plaintiff Michael Gadri, a citizen of Israel and Germany, husband of plaintiff Irit Gadri, a citizen of Israel, and father of plaintiffs Amir Gadri, Ido Gadri, Nitzan Gadri, and Einat Dor Onn, all citizens of Israel; plaintiff Heitham Hamud, a citizen of Israel, son of plaintiffs Mahmud Hamud and Amnah

Hamud, both citizens of Israel, and brother of plaintiffs Manal Hamud, Fares Hamud, and Firas Hamud, all citizens of Israel; and plaintiff Shmuel Yurfest, a citizen of Israel and husband of plaintiff Lidia Yurfest, a citizen of Israel;

(23) May 18, 2003: A Hamas suicide bomber explodes on the No. 6 Egged bus near French Hill in Jerusalem. 7 are killed, including Marina Tshvirashvili, a citizen of Israel and sister of plaintiff Etery Papiashvili, a citizen of Israel, and 20 are wounded, including plaintiff Ekaterina Eliashvili, a citizen of Israel; plaintiff Izak Hayat, a citizen of Israel, husband of plaintiff Tsvia Hayat, a citizen of Israel, and father of plaintiffs Avi Hayat, Ofir Hayat, Adi Hayat, Lea Hayat, and Vered Hayat, all citizens of Israel;

(24) May 11, 2003: In a roadside ambush in Ofra, Palestinian gunmen shoot and kill Zion David, a citizen of Israel, husband of plaintiff Ester David, a citizen of Israel, and father of plaintiffs Avraham David, Sima Erez, Hanit David, Liron Eliav, Orel David, and Galel David, all citizens of Israel. Both Fatah and PLFP issue claims of responsibility;

(25) May 5, 2003: An AAMB gunman opens fire on a vehicle near a West Bank settlement, killing Gideon Lichterman, a citizen of Israel, husband of plaintiff Liat Lichterman, a citizen of Israel, brother of plaintiff Dikla Lichterman, a citizen of Israel, and son of plaintiffs Chaim Lichterman and Lea Lichterman, both citizens of Israel, and injuring

2, including Moria Sarah Lichterman, a citizen of Israel and daughter of plaintiff Liat Lichterman;

(26) April 30, 2003: A bombing at Mike's Place, a popular beachside pub in Tel Aviv, kills 2: Yanay Weiss, a citizen of Israel, husband of plaintiff Orna Weiss, a citizen of Israel, father of plaintiffs Omer Weiss and Ben Weiss, both citizens of Israel, brother of plaintiff Gideon Weiss, a citizen of Israel, and son of plaintiffs Yudith Shilo and Lipa Weiss, both citizens of Israel; and Dominique Hess, a citizen of France and daughter of plaintiff Nicole Ambrozo, a citizen of France; and injures over 50, including plaintiff Asaf Ganzman, a citizen of Israel and the United States and brother of plaintiff Gal Ganzman, a citizen of Israel and the United States; plaintiffs Joshua Faudem, Bruce Mazer, Orly Rom, Richard Coffey, and Zohar Fater, all dual Israeli-American citizens; plaintiff Barry Gilbert, a citizen of Israel and the United Kingdom; plaintiff Anthony Rubin, a citizen of Israel and South Africa; plaintiff Dave Beck, a citizen of Israel and Canada; plaintiff John Doe 1, a citizen of Israel; plaintiff Yariv Talmor, a citizen of Israel; plaintiff Yuval Piker, a citizen of Israel, the son of plaintiffs Sofia Piker and Benjamin Piker, both citizens of Israel, and the brother of plaintiffs Natali Piker, Yael Piker, and Eyal Piker, all citizens of Israel; plaintiff Sagit Shir, a citizen of Israel and Australia; plaintiff Ariel Sherbacovsky, a citizen of Israel; plaintiff Nicholas Williams, a citizen of Israel and the United Kingdom; plaintiff Shiri Mirbis, a citizen of

Israel; plaintiff David Ben Elisha, a citizen of Israel; plaintiff Gadi Ben Elisha, a citizen of Israel; plaintiff Pavla Fleischer, a citizen of Israel; plaintiff Avraham Tabib, a citizen of Israel, husband of plaintiff Dana Rapoport, a citizen of Israel and Canada, and brother of plaintiffs Erez Tabib, Oren Tabib, and Lior Tabib, all citizens of Israel; plaintiff Aviv Cohen, a citizen of Israel and son of plaintiffs Shlomo Cohen and Shlomit Cohen, both citizens of Israel; plaintiff Efrat Harel, a citizen of Israel and son of plaintiff Yehuda Harel, a citizen of Israel; and plaintiff Idan Levy, a citizen of Israel and son of plaintiffs Yakov Levy and Dalya Levy, both citizens of Israel. Hamas and Fatah Tanzim claim responsibility;

(27) April 19, 2003: A PIJ gunman opens fire in the Shaked industrial zone and injures 3, including plaintiff Emanual Abiev, a citizen of Israel;

(28) April 5, 2003: Rotem Langer, a citizen of Israel and son of plaintiff Ze'ev Langer, a citizen of Israel, is shot and severely wounded in an IDF operation in Shechem;

(29) March 30, 2003: A PIJ suicide bomber detonates in the London Café in Netanya, injuring 32, including plaintiffs Lidia Samouel and Joseph Samouel, both citizens of Israel and parents of plaintiff Moran Samouel, a citizen of Israel; plaintiff Shlomo Menashe, a citizen of Israel, husband of plaintiff Sharona Menashe, a citizen of Israel, and father of plaintiffs Reout Menashe, Shaar Menashe, and Vicky Shir Menashe, all citi-

zens of Israel; and plaintiff Lili David, a citizen of Israel, wife of plaintiff Avraham David, a citizen of Israel, and mother of plaintiffs Shiran David, Aliran David, Shy David, Chen David, and Nofar David, all citizens of Israel;

(30) March 7, 2003: Hamas terrorists infiltrate Kiryat Arba, killing 2 and injuring 5, including plaintiff Mordechai Saied, a citizen of Israel and Argentina, husband of plaintiff Liti Aliza Saied, a citizen of Israel and Argentina, and father of plaintiffs Rinat Rahel Saied, Hana Reut Saied, Yedida Haim Saied, Brakha Saied, Bat-Zion Yehudit Saied, Meir Elyahu Saied, Shlomo Yair Saied, Nissim Uriel Saied, Sultana Tamar Saied, Michael Saied, Hagit Lea Saied, and David Israel Saied, all citizens of Israel and Argentina;

(31) March 5, 2003: A Hamas suicide bomber blows himself up on the No. 37 bus on Moriah Street in Haifa. 15 Israeli civilians are killed, including Moti Hershko, a citizen of Israel, husband of plaintiff Ofra Arieli, a citizen of Israel, son of plaintiffs Natan Hershko, a citizen of Israel and Romania, and Rivka Hershko, a citizen of Israel, and brother of plaintiff Devora David, a citizen of Israel; Tom Hershko, a citizen of Israel and son of plaintiff Ruth Hershko, a citizen of Israel; Barry Oved, a citizen of Israel, son of plaintiffs Shulamit Oved and Zamir Oved, both citizens of Israel, and brother of plaintiffs Yotam Oved and Limor Oved, both citizens of Israel; Daniel Harush, a citizen of Israel and son of plaintiff Simon Harush, a citizen of Israel; Mark Takli, a citizen of Israel and

brother of plaintiff Anna Shafranov, a citizen of Israel; Anatoly Birioukov, a citizen of Russia and son of plaintiff Irina Birioukov, a citizen of Russia; Eli Laham, a citizen of Israel, son of plaintiffs Moti Laham and Nava Laham, both citizens of Israel, and brother of plaintiffs Oren Laham and Racheli Laham, both citizens of Israel; Elizabeth Katsman, a citizen of Israel and daughter of plaintiffs Alexander Katsman and Elana Katsman, both citizens of Israel; Mariam Otor, a citizen of Israel, daughter of plaintiff Soad Otor, a citizen of Israel, and sister of plaintiffs Wesam Otor, Khalil Otor, and Ramziah Horany, all citizens of Israel; Asaf Zur, a citizen of Israel, son of plaintiffs Joseph Zur and Lea Zur, both citizens of Israel, and brother of plaintiffs Ariel Zur and Almog Zur, both citizens of Israel; Meital Katav, a citizen of Israel, daughter of plaintiffs Eliyahu Katav and Hadasa Katav, both citizens of Israel, and sister of plaintiffs Galit Tzar, Vered Katav, Haim Katav, and Liat Katav, all citizens of Israel; Yuval Mendellevich, a citizen of Israel and son of plaintiff Joseph Mendellevich, a citizen of Israel; Smadar Firstater, a citizen of Israel and daughter of plaintiff Esther Firstater, a citizen of Israel; Kamar Abu Hamed, a citizen of Israel, daughter of plaintiffs Josef Abu Hamed and Gohar Abu Hamed, both citizens of Israel, and sister of plaintiffs Amir Abu Hamed and Abir Abu Hamed, both citizens of Israel; and Tal Kehrmann, a citizen of Israel and Germany, sister of plaintiff Dror Kehrmann, a citizen of

Israel and Germany, and daughter of plaintiffs Ron Kehrmann and Orly Kehrmann, both citizens of Israel and Germany; and 53 are wounded, including plaintiff Shay Lev, a citizen of Israel, and plaintiff Alex Haimov, a citizen of Israel and brother of plaintiff Levi Haimov, a citizen of Israel;

(32) February 15, 2003: An IDF tank drives over a bomb planted in the Gaza Strip, killing 4 soldiers, including Doron Cohen, a citizen of Israel and son of plaintiff Yossef Cohen, a citizen of Israel. Hamas claims responsibility for the bomb;

(33) January 5, 2003: A suicide bombing by the AAMB at the Egged Central Bus Station in Tel Aviv kills 23, including Mazi Orkobi, a citizen of Israel, daughter of plaintiffs Amnon Orkobi and Shlomit Orkobi, both citizens of Israel, and sister of plaintiffs Keren Orkobi and Liran Orkobi, both citizens of Israel; Mordechai Evioni, a citizen of Israel and son of plaintiff Mazal Evioni, a citizen of Israel; Lilia Zibshteyn, a citizen of Israel, daughter of plaintiffs Moisey Zibshteyn and Anna Zibshteyn, both citizens of Israel, and sister of plaintiff Diana Zibshteyn, a citizen of Israel; Avi Kotzer, a citizen of Israel, son of plaintiff Yuchueva Asia, a citizen of Israel, and brother of plaintiff Ernest Kotzer, a citizen of Israel; and Amiram Zmora, a citizen of Israel and husband of plaintiff Ronit Zmora, a citizen of Israel, and wounds over 100 others, including plaintiff Meir Stalchal, a citizen of Israel;

(34) December 8, 2002: The PIJ bombs two Israeli military jeeps in the Tulkarem refugee camp, injuring plaintiff David Hakimian, a citizen of Israel;

(35) November 28, 2002: Three AAMB terrorists open fire on a polling station in Beit She'an, killing 6, including Ya'akov Lari, a citizen of Israel, husband of plaintiff Ilanit Lari, a citizen of Israel, brother of plaintiff Avraham Lari, a citizen of Israel, and son of plaintiffs Miriam Lari and Mashallah Lari, both citizens of Israel; Ehud Avitan, a citizen of Israel, husband of plaintiff Tammi Avitan, a citizen of Israel, and father of plaintiff Oshrat Barel, a citizen of Israel; David Peretz, a citizen of Israel, husband of plaintiff Ruth Peretz, a citizen of Israel, and father of plaintiff Moshe Peretz, a citizen of Israel; Saul Silberstein, a citizen of Israel and husband of plaintiff Ilanit Silberstein, a citizen of Israel; Moti Avraham, a citizen of Israel and husband of plaintiff Bella Avraham, a citizen of Israel; and wounding more than 20, including plaintiff Mordechai Izak, a citizen of Israel; plaintiff Tamar Malul, a citizen of Israel, wife of plaintiff Mishel Malul, a citizen of Israel, and mother of plaintiffs Osher Malul, Sahar Malul, and Alun Malul, all citizens of Israel; plaintiff Nahum Borocho, a citizen of Israel, husband of plaintiff Oshra Borocho, a citizen of Israel, and father of plaintiffs Linoy Borocho and Kokhav Hai Borocho, both citizens of Israel; plaintiff Gabriel Zada, a citizen of Israel and father of plaintiffs Shimon Zada, Aviran Zada, and Shalev Zada, all citizens of Israel; plaintiff

Shalom Ben Shitrit, a citizen of Israel, husband of plaintiff Sigal Ben Shitrit, a citizen of Israel, and father of plaintiffs Sirel Ben Shitrit, Meitar Ben Shitrit, Shimon Avihai Ben Shitrit, and Niv Ben Shitrit, all citizens of Israel; plaintiff Shimon Levy, a citizen of Israel, husband of plaintiff Zehava Levy, a citizen of Israel, and father of plaintiffs Rachel Levy, Hila Levy, David Levy, and Yuval Levy, all citizens of Israel; plaintiff Uri Levi, a citizen of Israel, husband of plaintiff Miri Levi, a citizen of Israel, and father of plaintiffs Rahel Levi, David Levi, and Shachar Levi, all citizens of Israel; plaintiff Gad Siboni, a citizen of Israel and husband of plaintiff Raymond Siboni, a citizen of Israel; plaintiff Ya'akov Naham, a citizen of Israel, husband of plaintiff Aliza Alis Naham, a citizen of Israel, and father of plaintiffs Adva Naham, Udi Naham, Arik Naham, Eyal Naham, and Aya Naham, all citizens of Israel; and plaintiff Rahamim Malul, a citizen of Israel;

(36) November 21, 2002: A Hamas suicide bomber detonates an explosive belt on the No. 20 Egged bus on Mexico Street in Jerusalem. 11 Israelis are killed, including Hodaya Assaraf, a citizen of Israel and daughter of plaintiff David Assaraf, a citizen of Israel, and Dekla Zino, a citizen of Israel, daughter of plaintiffs Lea Zino and Remond Zino, both citizens of Israel, and sister of plaintiffs Moran Zino and Sivan Zino, both citizens of Israel, and 50 are wounded, including plaintiff Gabriel Eli Benchetrit, a citizen of

Israel and son of plaintiff Rivka Benchetrit, a citizen of Israel;

(37) November 15, 2002: PIJ militants open fire and throw grenades at a crowd in Kiryat Arba, killing 12 and wounding 15, including plaintiff Moshe Paskal Fredj, a citizen of Israel and France, husband of plaintiff Linda Fredj, a citizen of Israel and France, brother of plaintiff Myriam Fredj, a citizen of Israel, and father of plaintiffs Yochanon Eliyahu Fredj, Lital Shimcha Fredj, Gamlial Benyamin Fredj, Avichi Aqiva Fredj, Avraham Uziel Fredj, Salavetya Mazal Fredj, Yehuda Fredj, and Benaya Aharon Fredj, all citizens of Israel; plaintiff Barouch Desta, a citizen of Israel, husband of plaintiff Bracha Desta, a citizen of Israel, and father of plaintiffs Oria Desta, Mayaan Desta, Eytan Desta, and David Desta, all citizens of Israel;

(38) November 10, 2002: An AAMB gunman shoots and kills 5 at Kibbutz Metzer, including Tirtza Damari, a citizen of Israel, daughter of plaintiff Miriam Hashai, a citizen of Israel, sister of plaintiffs Beni Hashai and Mali Zekharia, both citizens of Israel, and mother of plaintiffs Ofir Damari and Maayan Damari, both citizens of Israel; Revital Kessous Ohayon, a citizen of Israel, daughter of plaintiffs Colette Kessous and Simon Kessous, both citizens of Israel, and sister of plaintiffs Yaron Kessous, Daniella Elraz, and Joseph Kessous, all citizens of Israel; and Noam Ohayon and Matan Ohayon, citizens of Israel and grandsons of plaintiff Colette Kessous;

(39) November 4, 2002: A PIJ suicide bomber blows himself up near Shekem Electric at Kfar Saba, killing 2 and wounding 69, including plaintiff Dany Amos Ben Moshe, a citizen of Israel;

(40) October 29, 2002: An AAMB terrorist armed with an assault rifle and wearing an explosive belt attacks the Hermesh settlement in the West Bank and kills 3 Israelis, including Hadas Turgamn, a citizen of Israel and daughter of plaintiffs Hagai Turgamn and Galya Turgamn, both citizens of Israel, and wounds 2, including plaintiff Osnat Bigun, a citizen of Israel, wife of plaintiff Gadi Bigun, a citizen of Israel, and mother of plaintiffs Lidor Bigun and Liav Bigun, both citizens of Israel;

(41) October 27, 2002: An AAMB suicide bomber kills 3 and wounds plaintiff Menachem Gilboa, a citizen of Israel and husband of plaintiff Tova Gilboa, a citizen of Israel, at a gas station in Ariel;

(42) October 21, 2002: A PIJ suicide bomber drives a jeep containing approximately 100 kilograms of explosives up to a No. 841 Egged bus, pulled over at a bus stop while traveling along Wadi Ara on Route No. 65 towards Hadera, and explodes. 14 people are killed including Ofra Burger, a citizen of Israel and mother of plaintiffs Ayellete Burger and Uzi Burger, both citizens of Israel, and Iris Lavi, a citizen of Israel and wife of plaintiff Zion Lavi, a citizen of Israel; 50 others are wounded including plaintiffs Shalom Naor, a citizen of Russia, and Zion Lavi;

(43) October 20, 2002: A Hamas sniper shoots and kills Keivan Cohen, a citizen of Israel and son of plaintiff Rahel Cohen, a citizen of Iran, in Gush Katif;

(44) September 19, 2002: A Hamas suicide bomber detonates an explosives-laden bag on the No. 4 bus on Allenby Street in Tel Aviv, killing 6, including plaintiff Yossi Mamistlov, a citizen of Israel, son of plaintiff Mazal Mamistlov, a citizen of Israel, brother of plaintiffs Raisa Ben Yossef and Moshe Mamistlov, both citizens of Israel, husband of plaintiff Esther Mamistlov, a citizen of Israel, and father of plaintiffs Moran Mamistlov, Avraham Mamistlov, and Matan Mamistlov, all citizens of Israel, and wounding 70, including plaintiffs Aron Paul Stern, a dual American-Israeli citizen; Elena Gadalov, a citizen of Israel; Arthur Gadalov, a citizen of Israel; and Meir Nachtomy, a citizen of Israel;

(45) August 4, 2002: A Hamas suicide bomber detonates an explosive device strapped to his body while on a bus traveling near Mt. Meron in northern Israel. 9 Israeli civilians are killed including Maysoun Amim Hasan, a citizen of Israel and daughter of plaintiffs Farida Hasan and Amin Hasan, both citizens of Israel, and sister of plaintiffs Eias Hasan, Salman Hasan, Rimach Hasan, Talim Hasan, Jihan Hasan, and Goson Hasan, all citizens of Israel; Yifat Gabriely, a citizen of Israel and daughter of plaintiffs Ronit Gabriely and Yakov Gabriely, both citizens of Israel; and Sari Goldshtein, a citizen of Israel, daughter of plaintiffs Moshe Goldshtein and Yosefa

Goldshtein, both citizens of Israel, and sister of plaintiffs Ariel Goldshtein and Hen-Linda Goldshtein, both citizens of Israel; 48 civilians are wounded including plaintiffs Ronen Shmuel, a citizen of Israel; Jacob Flichtman, a citizen of Israel; and Jihan Amin Hasan, daughter of plaintiff Amin Hasan;

(46) August 1, 2002: Shani Ledani, a citizen of Israel, son of plaintiffs Adi Ledani and Esther Ledani, both citizens of Israel, and brother of plaintiffs Eran Ledani and Tomer Ledani, both citizens of Israel, is bound and shot to death by Fatah Tanzim terrorists in an industrial area near Tulkarem;

(47) July 31, 2002: A bomb planted by Hamas operatives explodes in the Frank Sinatra student center on the Hebrew University's Mt. Scopus campus, killing 9 people including Levina Shapira, a citizen of Israel, daughter of plaintiff Simcha Sopher, a citizen of Israel, and sister of plaintiffs Daniela Lerner, Orna Meir, and Amira Sopher, all citizens of Israel, and injuring 85, including plaintiffs Inbal Babayoff, a citizen of Israel, and Liness Vaknin, a citizen of Israel;

(48) July 30, 2002: Masked AAMB gunmen open fire on a truck in the West Bank village of Jama'in, killing Mordechai Odesser, a citizen of Israel, husband of plaintiff Miriam Odesser, a citizen of Israel, and brother of plaintiff Ilana Nachshon, a citizen of Israel, and his brother Shlomo Odesser, a citizen of Israel, brother of plaintiff Ilana Nachshon, a citizen of Israel;

(49) July 16, 2002: Hamas terrorists attack a No. 189 Dan bus traveling from Bnei Brak to Emmanuel in the West Bank, detonating an explosive charge next to the bus while terrorists disguised in IDF uniforms wait in ambush and open fire on the bus. The attack is carried out by the same Hamas cell that perpetrated a similar attack on Emmanuel on December 12, 2001. 9 people are killed in the attack, including Keren Kashani, a citizen of Israel, sister of plaintiffs Ran Sarusi, Shai Sarusi, and Sharon Attias, all citizens of Israel, and daughter of plaintiffs Rafael Sarusi, a citizen of Israel, and Bracha Sarusi, a citizen of Poland; Hadas Glula, a citizen of Israel and sister of plaintiff Carmela Afon, a citizen of Israel; Jonathan Gamliel, a citizen of Israel and son of plaintiff Yair Gamliel, a citizen of Israel; Gal Shilon, a citizen of Israel, son of plaintiffs Jacob Shilon and Sylvia Shilon, both citizens of Israel, and brother of plaintiffs Revital Shilon and Keren Vitkovsky, both citizens of Israel; and Galila Ads, a citizen of Israel and wife of plaintiff Aron Ads, a citizen of Israel; 20 people are injured including plaintiff Avram Yakovov, a citizen of Israel, husband of plaintiff Ilanit Yakovov, a citizen of Israel, and father of plaintiffs Israel Yakovov, Devora Lea Yakovov, Menahem Mendel Yakovov, Shmuel Yakovov, Fanny Yakovov, Itzhak Luria Yakovov; Zelta Zeava Yakovov, Shterna Shira Yakovov, and Tehila Yehudit Yakovov, all citizens of Israel; plaintiff Aliza Eichental, a citizen of Israel, wife of plaintiff Avraham Eichental, a citizen of Israel and the United States, and mother

of plaintiffs Mordechai Yehuda Eichental, Esther Eichental, Israel Simcha Eichental, Shmuel Elimelech Eichental, Shimon Eichental, and Pinkhas Menachem Eichental, all citizens of Israel; and plaintiff Arie Davidi, a citizen of Israel, husband of plaintiff Yoceved Davidi, a citizen of Israel, and father of plaintiffs Moran Davidi, Ori Davidi, and Eden Davidi, all citizens of Israel;

(50) July 8, 2002: A PIJ gunman shoots and injures plaintiff Uriel Garfinkel, a citizen of Israel and Uruguay and husband of plaintiff Esther Garfinkel, a citizen of Israel, at Anza Village;

(51) June 19, 2002: A suicide bomber blows himself up at a crowded bus stop and hitchhiking post at the French Hill intersection in northern Jerusalem. 6 people are killed in the attack, including Michal Franklin, a citizen of Israel and the United Kingdom and daughter of plaintiff Avner Franklin, a citizen of Israel and the United Kingdom; Gal Aizenman, a citizen of Israel, daughter of plaintiff Isaac Aizenman, a citizen of Israel, and sister of plaintiffs Saggy Aizenman, Noga Aizenman, and Yuval Aizenman, all citizens of Israel; Noa Alon, a citizen of Israel and wife of plaintiff Chanoch Alon, a citizen of Israel; and Hadas Yungriss, a citizen of Israel and daughter of plaintiffs Zvia Yungriss and Yehuda Yungriss, citizens of Israel, and 50 people are injured, including Pnina Aizenman and Saggy Aizenman, both citizens of Israel, wife and son of plaintiff Isaac Aizenman; plaintiff Dina Wolutzki, a citizen

of Israel; plaintiff Eti Alon, a citizen of Israel, wife of plaintiff Israel Alon, a citizen of Israel, and daughter of plaintiffs Tikva Ben David and David Ben David, both citizens of Israel; plaintiff Yehuda Gabay, a citizen of Israel, husband of plaintiff Berthe Gabay, a citizen of Israel, and father of plaintiffs Stephanie Gabay, Tomer Gabay, Nathalie Gabay, Galit Gabay, and Eliya Gabay, all citizens of Israel. Hamas and AAMB claim responsibility;

(52) June 18, 2002: A Hamas suicide bomber detonates an explosives-laden bag on a bus traveling along Dov-Yosef Street in the Gilo neighborhood of Jerusalem. 19 civilians are killed, including Leah Baruch, a citizen of Israel and mother of plaintiffs Maggie Baruch and Hani Baruch, citizens of Israel; Boaz Aluf, a citizen of Israel, husband of plaintiff Gila Aluf, a citizen of Israel, and father of plaintiffs Uri Aluf, Yifat Aluf, Tamar Aluf, Ifat-Perl Aluf, Barak Shimon Aluf, and Ruth Silvia Aluf, all citizens of Israel; Rachamim Tzadkiyahu, a citizen of Israel and husband of plaintiff Miriam Tzadkiyahu, a citizen of Israel; Liyat Yagen, a citizen of Israel, daughter of plaintiffs Sarah Yagen and Areyeh Yagen, both citizens of Israel, and sister of plaintiffs Yehudit Yagen, Yoni Yagen, Jacob Yagen, and Yehuda Yagen, all citizens of Israel; and Gila Nakab, a citizen of Israel and mother of plaintiffs Ella Shomer, Noa Nakab and Orit Nakab, all citizens of Israel, and 50 others are wounded;

(53) June 12, 2002: An AAMB gunman shoots and kills Avner Maimon, a citizen of

Israel, husband of plaintiff Aviya Oshri Maimon, a citizen of Israel, and father of plaintiffs Tomer Maimon, Roei Maimon, and Or Maimon, all citizens of Israel, in the West Bank village of Yabed;

(54) June 11, 2002: A suicide bomber explodes in a restaurant in Herzliya, killing one person and injuring 15, including plaintiff Jonathan Ashkenazy, a citizen of Israel, son of plaintiffs Ester Ashkenazy, a citizen of Israel and Argentina, and Isaac Ashkenazy, a citizen of Israel;

(55) June 5, 2002: A PIJ suicide bomber drives a car packed with a large quantity of explosives into a No. 830 Egged bus at Megiddo Junction near Afula, killing 17 people including Violetta Khizgaev, a citizen of Israel and sister of plaintiff Itzhak Khizgaev, a citizen of Israel; David Stanislavski, a citizen of Israel and son of plaintiff Erena Stanislavski, a citizen of Israel; Dotan Reizel, a citizen of Israel and brother of plaintiff Nissan Reizel, a citizen of Israel; Eliran Buskila, a citizen of Israel and son of plaintiff Zion Buskila, a citizen of Israel; Sariel Katz, a citizen of Israel and son of plaintiffs Madlena Katz and Haim Katz, citizens of Israel; Denis Blumin, a citizen of Israel, son of plaintiffs Roman Blumin and Elena Blumin, both citizens of Israel, and brother of plaintiff Sergey Blumin, a citizen of Israel; Genadi Isakov, a citizen of Israel, son of plaintiffs Shaul Isakov and Raisa Isakov, both citizens of Israel, and brother of plaintiff Elena Isakov, a citizen of Israel; Zvika Gelberd, a citizen of Israel, son of plaintiffs

Yehuda Gelberd and Tamar Gelberd, both citizens of Israel, and brother of plaintiff Lital Gelberd, a citizen of Israel; Vladimir Murari, a citizen of Israel, son of plaintiff Lyudmila Kosoban, a citizen of Israel, and brother of plaintiffs Anastasia Kosoban, Nicolai Kosoban, and Irena Roitblat, all citizens of Israel; Ighal Nevipor, a citizen of Israel, son of plaintiffs Zila Nevipor and Rony Nevipor, both citizens of Israel, and brother of plaintiff Sigalit Nevipor, a citizen of Israel; and injuring 50 others, including plaintiff Hayim Tuboul, a citizen of Israel, son of plaintiffs Aliza Tuboul and Saadia Tuboul, both citizens of Israel, and brother of plaintiff Shay Tuboul, a citizen of Israel; plaintiff Tamara Elishakov, a citizen of Israel, sister of plaintiffs Lea Chickvashvili and Yehoda Yosefshvili, both citizens of Israel, and mother of plaintiffs Sarit Elishakov, Yaffa Elishakov, and Ruthie Noam, all citizens of Israel; plaintiff Avi Malka, a citizen of Israel and husband of plaintiff Talia Malka, a citizen of Israel; plaintiff Eyal Carlin, a citizen of Israel and Finland, son of plaintiffs Joseph Carlin, a citizen of the United States and Marguerite Carlin Mortensen, a citizen of Finland, and brother of plaintiffs Adam Carlin and Dina Carlin, both citizens of the United States; and plaintiff Abraham Robinson, a citizen of Israel and husband of plaintiff Sara Robinson, a citizen of Israel;

(56) May 28, 2002: Albert Mallul, a citizen of Israel and husband of plaintiff Hellen Mallul, a citizen of Israel, is killed in an AAMB shooting attack on his car near Ramallah;

(57) May 27, 2002: An AAMB suicide bomber detonates himself near an ice cream parlor outside a shopping mall in Petah Tikva, killing 3 and injuring 28, including plaintiff Roni Hudesman and plaintiff Orit Hudesman, citizens of Israel and daughter and wife of plaintiff Yosef Hudesman, a citizen of Israel;

(58) May 19, 2002: A Hamas suicide bomber disguised as a soldier blows himself up in the market in Netanya, killing 3 people, including Josef Haviv, a citizen of Israel, husband of plaintiff Miriam Haviv, a citizen of Israel, and Arkadi Vizelman, a citizen of Israel, husband of plaintiff Victoria Vizelman, a citizen of Israel, and injuring 59 people, including plaintiff Yoseph Chaouat, a citizen of Israel; plaintiff Elad Endlau Wasa, a citizen of Israel; plaintiff Yakov Yemin, a citizen of Israel, husband of plaintiff Revital Yemin, a citizen of Israel; plaintiff Linoy Boskila, a citizen of Israel, sister of plaintiff Revital Yemin, a citizen of Israel, and daughter of plaintiffs Yakov Israel Boskila and Simy Boskila, citizens of Israel; and plaintiff Vitali Pashyev, a citizen of Israel and Russia, husband of plaintiff Regina Pashyev, a citizen of Israel and Russia, son of plaintiff Elizabeta Pashyev, a citizen of Israel and Russia, brother of plaintiffs Tamara Mamriev and Irena Abramov, citizens of Israel and Russia, and father of plaintiff Elizabeth Pashyev, a citizen of Israel and Russia;

(59) May 12, 2002: Nisun Starkman Dolinger, a citizen of Israel, husband of plaintiff Eva Starkman Dolinger, a citizen of

Israel, is shot and killed by his Palestinian employee in Gush Katif;

(60) May 7, 2002: A Hamas suicide bomber detonates an explosive belt and an additional explosive device, carried in a bag, at a snooker club in Rishon Lezion. 16 Israeli civilians are killed, including Malka Boslan, mother of plaintiffs Rosi Filber, Karmela Boslan, Jony Attala, Eisa Attala, and Avraham Attala, all citizens of Israel; Nir Lovtin, husband of plaintiff Narkis Lovtin, a citizen of Israel, and father of plaintiffs Or Lovtin and Shir Lovtin, citizens of Israel; Pnina Hikri, wife of plaintiff Eliyahu Hikri, a citizen of Israel, and mother of plaintiffs Orly Golber, Asaf Hikri, Eyal Hikri, and Irit Saad, all citizens of Israel; Dalya Massa, mother of plaintiff Yafit Massa, a citizen of Israel; Avraham Bayez, son of plaintiffs Judith Bayez and Ztemach Bayez, citizens of Israel, and brother of plaintiffs Eliyahu Bayez, Gili Bayez and Lior Bayez, citizens of Israel; Israel Shikar, husband of plaintiff Sara Shikar, a citizen of Israel, and father of plaintiffs Tali Shikar, Alon Shikar, and Shiri Shikar, citizens of Israel; Sharuch Rasson, husband of plaintiff Shoco Dostara, a citizen of Israel, and father of plaintiffs Tomer Rasson, Doron Rasson, Yaron Rasson, and Sharon Rasson, citizens of Israel; Edna Cohen, wife of plaintiff Avraham Cohen, a citizen of Israel; Rachamim Kimchi, husband of plaintiff Sarah Kimchi, a citizen of Israel, and father of plaintiffs Moshe Kimchi, Ya'akov Kimchi and Lior Pazim-Kimchi, citizens of Israel; and Anat Termeforoosh,

wife of plaintiff Daniel Termeforoosh, a citizen of Israel, mother of plaintiffs Eden Termeforoosh, Din Termeforoosh, and Chen Termeforoosh, citizens of Israel, daughter of plaintiff Hana Almasi, a citizen of Israel, and sister of plaintiffs Bat-Sheva Abarbanil and Netanel Almasi, citizens of Israel; 60 are wounded including plaintiffs Shoco Dostara, a citizen of Israel, Avraham Cohen, a citizen of Israel, Itzhak Peretz, a citizen of Israel, Daniel Termeforoosh, a citizen of Israel, Hana Almasi, a citizen of Israel, Bat-Sheva Abarbanil, a citizen of Israel, wife of plaintiff Igal Abarbanil, a citizen of Israel, and mother of plaintiff Liron Abarbanil, a citizen of Israel; Rivka Gueeta, a citizen of Israel; Mordechai Tavasi, a citizen of Israel, husband of plaintiff Tirtza Tavasi, a citizen of Israel, and father of plaintiffs Natalie Tavasi and Itzik Tavasi, citizens of Israel; Eliyahu Ninio, a citizen of Israel, husband of plaintiff Dalia Ninio, a citizen of Israel, and father of plaintiffs Ortal Ninio, Eyinat Ninio, Rahel Ninio, Shimrit Ninio, and Shmulik Ninio, all citizens of Israel; and Shagkil Kalimi, a citizen of Israel, father of plaintiffs Yanive Kalimi and Shahar Kalimi, citizens of Israel;

(61) April 12, 2002: A female suicide bomber from AAMB blows herself up at a bus stop on Jaffa Road at the entrance to Jerusalem's Mahane Yehuda open-air market, killing 6 people including Nissan Cohen, a citizen of Israel, husband of plaintiff Rivka Cohen, a citizen of Israel, and father of plaintiffs David Cohen, Michal Aminian, Sara Cohen, Rachel

Cohen, Shlomo Cohen and Yosef Cohen, citizens of Israel, and injuring 104 people, including plaintiff Zila Cohen, a citizen of Israel, sister of plaintiff Tikva Peres, a citizen of Israel; plaintiffs Yaakov Shfaym and Naomi Shfaym, citizens of Israel, parents of plaintiffs Shmuel Shfaym, Yardena Malkiel, Yael Raviva Gideoni, Yoram Shfaym, Eliyahu Shfaym, and Azriel Shfaym, citizens of Israel; and plaintiff Rahmim Hason, a citizen of Israel, son of plaintiffs Carmela Hason and Yosef Hason, citizens of Israel;

(62) April 10, 2002: A Hamas suicide bomber blows himself up on a No. 960 Egged bus en route from Haifa to Jerusalem. The explosion occurs near Kibbutz Yagur, east of Haifa, and kills 7 people, including Avinoam Alfia, a citizen of Israel, son of plaintiffs Natan Alfia and Naomi Alfia, citizens of Israel, and brother of plaintiff Sagi Alfia, a citizen of Israel; Michael Wiesman, a citizen of Israel, son of plaintiffs Lilya Wiesman and Solomon Wiesman, citizens of Israel, and brother of plaintiff Eti Wiesman, a citizen of Israel; Nir Danieli, a citizen of Israel, son of plaintiffs Uri Danieli and Anat Danieli, citizens of Israel, and brother of plaintiffs Tomer Danieli and Ariel Danieli, citizens of Israel; Noa Shlomo, a citizen of Israel, daughter of plaintiffs Fanny Shlomo and Yossef Shlomo, citizens of Israel, and sister of plaintiffs Yael Shlomo and Inbal Shlomo, citizens of Israel; Zeev Hanik, a citizen of Israel, son of plaintiff Boris Hanik, a citizen of Israel, and brother of plaintiffs Ilana Vaknin and Lior Hanik, citizens of Israel; Shlomy Ben Haim, a citizen

of Israel, son of plaintiffs Yosef Ben Haim and Daniela Ben Haim, citizens of Israel, and brother of plaintiffs Moti Ben Haim and Shiran Ben Haim, citizens of Israel; and Keren Franco, a citizen of Israel, daughter of plaintiffs Yoheved Franco and Haim Franco, citizens of Israel, and sister of plaintiff Orit Franco, a citizen of Israel, and injures 22 people;

(63) April 8, 2002: Joint American-Israeli citizen Matanya Robinson, son of plaintiffs Reena Robinson and Mark Robinson, citizens of the United States, is killed by Palestinian gunfire during Operation Defensive Shield in Jenin refugee camp;

(64) March 31, 2002: Just after 2:00 p.m on a Sunday afternoon during the Passover holiday, a Hamas suicide bomber enters the popular Matza Restaurant in Haifa and blows himself up. The explosion tears the roof off the one-story building and blows out the windows, instantly killing 14 people and leaving horrific scenes of people on fire and with severed limbs. A total of 15 Israeli civilians are killed, including Orly Ophir,a citizen of Israel, daughter of plaintiff Josef Ophir, a citizen of Israel; Adi Shiran, a citizen of Israel, daughter of plaintiffs Shimon Shiran and Hili Shiran, citizens of Israel, sister of plaintiffs Eyal Shiran and Einat Shiran, citizens of Israel, and niece of plaintiff Jacob Schlesinger, a citizen of Israel and the United States; Carlos Ierushalmi, a citizen of Israel, husband of plaintiff Paula Ierushalmi, a citizen of Israel; Jacob Shani, a citizen of Israel,

husband of plaintiff Dalia Shani, a citizen of Israel, brother of plaintiff Shlomo Shani, a citizen of Israel, and father of plaintiffs Tali Shani and Itzhak Shani, citizens of Israel; Shimon Koren, a citizen of Israel, husband of plaintiff Rachel Koren, a citizen of Israel; Ran Koren and Gal Koren, citizens of Israel, sons of plaintiff Rachel Koren, a citizen of Israel; Danielle Menchel, a citizen of Israel, daughter of plaintiffs Doron Menchel and Nurit Menchel, citizens of Israel; Dov Chernobroda, a citizen of Israel, father of plaintiffs Shaul Chernobroda, Yoav Chernobroda and Adi Chalun, citizens of Israel; Aviel Ron, Anat Ron and Ofer Ron, citizens of Israel, husband and children of plaintiff Carmit Ron, a citizen of Israel; 31 are wounded including plaintiff Rachel Drimmer, a citizen of Israel; Paul Drimmer, a citizen of Israel, husband of plaintiff Pnina Drimmer, a citizen of Israel, and father of plaintiffs Hani Drimmer, Ilana Lani Drimmer, and Asher Drimmer, all citizens of Israel; plaintiff Baruch Naim, a citizen of Israel, plaintiff Orly Virany, a citizen of Israel and daughter of plaintiff Esther Virany, a citizen of Romania; and plaintiffs Hili Shiran and Shimon Shiran, citizens of Israel, brother of plaintiff Jacob Schlesinger, a citizen of Israel;

(65) March 30, 2002: An AAMB suicide bomber detonates in a busy coffee shop on Allenby Street in Tel Aviv. At least 20 are injured, including plaintiff Stanley Zabludovsky, a citizen of Israel and the United Kingdom and husband of plaintiff Lyubov Zabludovsky, a citizen of Israel;

(66) March 29, 2002: A female suicide bomber sent by the AAMB blows herself up in the Kiryat Yovel supermarket in Jerusalem, killing 2 Israelis including Rachel Levy, a citizen of Israel, daughter of plaintiff Avigal Levy, a citizen of Israel, and Chaim Smadar, a citizen of Israel, husband of plaintiff Shoshona Smadar, a citizen of Israel, and father of plaintiffs Natan Smadar, Shalom Smadar, and Shani Smadar, citizens of Israel, and injuring 28 people;

(67) March 29, 2002: A PIJ terrorist infiltrates the Gaza settlement of Netzarim, stabbing and killing 2 Israelis, one of whom is Michael Orlinsky, husband of plaintiff Ofra Orlinsky, a citizen of Israel, and father of plaintiffs Baruch Orlinsky and Ronit Lerner, citizens of Israel;

(68) March 27, 2002: A Hamas suicide bomber blows himself up with an explosive belt at the Park Hotel in Netanya during a Passover seder. 29 Israeli civilians are killed including Furuk Naimi, wife of plaintiff Nosrat Naimi, a citizen of Israel; Ami Hamami, husband of plaintiff Rina Hamami, a citizen of Israel, father of plaintiff Netanel Hamami, a citizen of Israel, son of plaintiffs David Hamami and Lea Hamami, citizens of Israel, and brother of plaintiff Pniel Hamami, a citizen of Israel; and David Anachovich, a citizen of Israel and father of plaintiff Akiva Anachovich, a citizen of Israel and the United States, and husband of plaintiff Frida Anachovich, a citizen of Israel; 144 are wounded including Netanel Hamami, a citizen of Israel,

son of plaintiff Rina Hamami, a citizen of Israel; plaintiff Libi Safaniev, a citizen of Israel, daughter of plaintiffs Gregory Safaniev and Nadieya Safaniev, citizens of Israel, and sister of plaintiffs Mark Safaniev and Avishai Safaniev, citizens of Israel; plaintiff Anna Vashbein, a citizen of Israel, wife of plaintiff Vladimir Vashbein, a citizen of Israel, and mother of plaintiff Yonatan Vashbein, a citizen of Israel; plaintiff Galina Vashbein, a citizen of Israel and wife of plaintiff Uri Vashbein, a citizen of Israel; plaintiff Anna Ibrahimov, a citizen of Israel, wife of plaintiff Eltsin Ibrahimov, a citizen of Israel, mother of plaintiffs Amir Ibrahimov and Elina Ibrahimov, citizens of Israel, sister of plaintiffs Ivgenei Liapostin and Irena Liapostin, citizens of Israel, and daughter of plaintiff Galina Liapostin, a citizen of Israel; and plaintiff Galina Mikhaltsevic, a citizen of Israel, daughter of plaintiff Svetlana Mikhaltsevic, a citizen of Israel;

(69) March 21, 2002: An AAMB suicide bomber blows himself up in the center of a crowd of shoppers on King George Street in Jerusalem, killing 3 people including Gad Shemesh, a citizen of Israel, son of plaintiff Bracha Shemesh, a citizen of Israel, and brother of plaintiffs Ilanit Mizrahy, Menashe Shemesh, Eyala Cohen, Jackob Shemesh, Yuchevet Israel, Anat Garoney and Igal Shemesh, citizens of Israel, and wounding 8 others, including plaintiff Tzvi Epelbon, a citizen of Israel and Argentina;

(70) March 20, 2002: A PIJ suicide bomber boards an 823 bus and blows himself up in Wadi Ara, near Afula, killing 7, including Meir Fahima, a citizen of Israel, son of plaintiff Kokhava Fahima, a citizen of Israel, and brother of plaintiffs Ben-Israel Fahima, Daniel Fahima, Shalom Fahima, and Gabi Fahima, citizens of Israel, and injuring 42;

(71) March 12, 2002: Fatah Tanzim gunmen fire at a vehicle at the Kiryat Sefer checkpoint east of Modi'in Ilit, killing Eyal Liberman, a citizen of Israel, son of plaintiffs Ora Liberman and David Liberman, citizens of Israel, and brother of plaintiffs Yorau Liberman and Amir Liberman, citizens of Israel, and injuring one other;

(72) March 10, 2002: AAMB shooters stage an attack on Netzarim, killing one and injuring plaintiff Pinhas Selzer, a citizen of Israel;

(73) March 9, 2002: A Hamas suicide bomber detonates an explosive device strapped to his body at the entrance to Cafe Moment in Jerusalem. 11 Israeli civilians are killed, including Livnat Dvash, daughter of plaintiffs Josef Dvash and Rachel Dvash, citizens of Israel, and sister of plaintiffs Moshe Dvash and Nedirah Dvash Lupescu, citizens of Israel; Limor Ben Shoham, daughter of plaintiffs Zipora Ben Shoham and Shlomo Ben Shoham, citizens of Israel; Tali Eliyahu, daughter of plaintiff Evlin Eliyahu, a citizen of Israel; Orit Ozorov, daughter of plaintiffs Dalia Ozorov and Zechykel Ozorov, citizens of Israel, and sister of plaintiff Yaron Ozorov, a citizen of Israel; Dan Imani, son of plaintiff

Mordechai Imani, a citizen of Israel; Uri Felix, son of plaintiffs Solomon Felix, a citizen of Israel, and Anna Felix, a citizen of Romania, and brother of plaintiff Ariela Felix, a citizen of Israel; Baruch Lerner Naor, son of plaintiffs Danielle Lerner Naor and Roni Lerner Naor, citizens of Israel, and brother of plaintiff Yael Lerner Rotem, a citizen of Israel; and Nir Borocov, son of plaintiffs Mordechai Borocov and Kokhava Borocov, citizens of Israel, and brother of plaintiffs Iris Shfaim, Yochevet Borocov, Dorit Borocov, and Doron Borocov, citizens of Israel; 58 are wounded including plaintiffs Roy Gordon, a citizen of Israel; Maya Nachmias, a citizen of Israel; Yossef Cohen, a citizen of Israel; Dani Turgeman, a citizen of Israel; Asaf Myara, a citizen of Israel; and Shely Gabay, a citizen of Israel;

(74) March 9, 2002: 2 gunmen from the AAMB open fire on a promenade near the Jeremy Hotel in Netanya, killing 2, including Aviya Malka, a citizen of Israel, daughter of plaintiffs Mishel Malka and Ruth Malka, citizens of Israel, and injuring 50 more, among them plaintiff Mishel Malka, a citizen of Israel;

(75) March 7, 2002: A Hamas gunman penetrates the pre-military training academy in the Gush Katif settlement of Atzmona and kills 5 Israeli teenagers, including Ariel Zana, a citizen of Israel and France and son of plaintiff Avi Zana, a citizen of Israel and France; and Aharon Krngliak, son of plaintiff Miriam Krngliak and brother of plaintiffs

Johnatan Krngliak and Daniel Krngliak, both citizens of Israel; and injures 23 others, including plaintiff Aviad Ohayon, a citizen of Israel;

(76) March 5, 2002: A PIJ suicide bomber detonates at the Afula central bus station, killing one and injuring 10, including plaintiff David Elisha-Sherf, a citizen of Israel, husband of plaintiff Ziva Elisha-Sherf, a citizen of Israel, and father of plaintiffs Maor Elisha-Sherf, Zeevik Elisha-Sherf, and Michal Elisha-Sherf, all citizens of Israel;

(77) March 3, 2002: AAMB gunmen dressed in IDF uniforms stage an attack on vehicles traveling near Kibbutz Matzouba, killing 6 Israelis, including Ofer Kanarik, a citizen of Israel, husband of plaintiff Alice Kanarik, a citizen of Israel and Romania;

(78) March 2, 2002: A Fatah Tanzim suicide bomber blows himself up near a *yeshiva* in the ultra-Orthodox Beit Yisrael neighborhood in the center of Jerusalem, where people are gathered for a bar-mitzvah celebration. 10 are killed, including Lidor Ilan and Oriya Ilan, citizens of Israel, children of plaintiffs Ronit Ilan and Shimon Ilan, citizens of Israel; and Shuli Nehamed, a citizen of Israel, son of plaintiffs Dahlia Nehamed and Ezra Nehamed, citizens of Israel; and Tzafia Eliyahu and Jacob Avraham Eliyahu, citizens of Israel, wife and son of plaintiff Ofer Eliyahu, a citizen of Israel, and injuring 50 others, including Eliyahu Nehamed, a citizen of Israel, son of plaintiffs Dahlia Nehamed and Ezra Nehamed, citizens of Israel;

(79) February 25, 2002: An AAMB gunman opens fire on a car in the West Bank settlement of Gush Etzion, killing Avram Fish, a citizen of Israel, husband of plaintiff Galina Fish, a citizen of Israel, and father of plaintiffs Masha Kupitman and Tamara Livshitz-Fish, citizens of Israel, and Aharon Gurov, a citizen of Israel, husband of plaintiff Miriam Gurov, a citizen of Israel, and father of plaintiffs Haim Gurov, Hana-Bela Gurov, Ben-Zion Gurov and Shoshana Gurov, citizens of Israel, and wounding plaintiffs Tamara Livshitz-Fish, a citizen of Israel, and Karin Livshitz, a citizen of Israel, daughter of plaintiffs Boris Livshitz and Tamara Livshitz-Fish, citizens of Israel;

(80) February 25, 2002: An AAMB terrorist opens fire on the residential neighborhoor of Neve Ya'akov in Jerusalem, killing one person and wounding 8 more, including plaintiff Amihai Daham, a citizen of Israel and brother of plaintiffs Sharon Dahan and Eliahu Rehvam Dahan, both citizens of Israel;

(81) February 16, 2002: A PFLP suicide bomber blows himself up at the mall in Karnei Shomron, killing 3, including Nahamya Amar, a citizen of Israel, son of plaintiff Alana Amar, a citizen of Israel, and wounding 25, including plaintiff Hila Damari, a citizen of Israel and daughter of plaintiff Flora Damari, a citizen of Morocco;

(82) February 10, 2002: Hamas gunmen attack diners in Beer-Sheva, killing 2 and wounding 4, including plaintiff Hilla Lustig, a citizen of Israel;

(83) February 6, 2002: Gunmen infiltrate Moshav Hamra and open fire, killing Mery Ohana, a citizen of Israel, wife of plaintiff Haviv Ohana, a citizen of Israel, and mother of plaintiffs Michal Ohana, Yonatan Ohana, and Oded Ohana, citizens of Israel; and Yael Ohana, a citizen of Israel, daughter of plaintiff Haviv Ohana, a citizen of Israel, and sister of plaintiffs Michal Ohana, Yonatan Ohana, and Oded Ohana, citizens of Israel, and wounding 5 others. Both Hamas and AAMB claim responsibility;

(84) January 27, 2002: An AAMB female suicide bomber armed with more than 10 kilograms of explosives blows herself up on Jaffa Road, in the center of Jerusalem, killing Pinhas Tokatly, a citizen of Israel, brother of plaintiffs Eliezer Tokatly, Moshe Tokatly, Jakke Tokatly, Revka Tokatly, Victoria Tokatly, Emmanuel Tokatly, and David Tokatly, citizens of Israel, and father of plaintiffs Yoel Tokatly, Rachel Tokatly, Tamar Tokatly, Nisim Tokatly, and Dudu Tokatly, citizens of Israel, and injuring over 150 other people, including plaintiff Ludmila Gershikov, a citizen of Israel, wife of plaintiff Leonid Gershikov, a citizen of Israel, and mother of plaintiffs Alecsandr Gershikov and Stanislav Gershikov, citizens of Israel;

(85) January 17, 2002: An AAMB gunman opens fire on a crowd at a bat mitzvah reception in Hadera. 6 are killed, including Avi Yazdi, a citizen of Israel, son of plaintiff Nissim Yazdi, a citizen of Afghanistan, and 35 are injured, including plaintiff Daniela

Raigorodsky, a citizen of Israel and Argentina, daughter of plaintiff Jorge Raigorodsky, a citizen of Israel and Argentina;

(86) December 17, 2001: Gunmen open fire on a car traveling on Road 60 near Ramallah, wounding plaintiff David Rubin, a joint Israeli-American citizen, and his young son Reuven, a citizen of Israel;

(87) December 12, 2001: Three Hamas terrorists attack a No. 189 Dan bus with a roadside bomb, anti-tank grenades, and light arms fire near the entrance to Emmanuel in the West Bank. 10 Israeli civilians are killed, including Hayim Tziprout, father of plaintiff Moshe Tziprout, a citizen of Israel; Yair Amar, son of plaintiff Oren Amar, a citizen of Israel; Yaacov Zarfati, husband of plaintiff Dvora Zarfati, a citizen of Israel, and father of plaintiffs Eidit Zarfati and Rivka Zarfati, citizens of Israel; David Zarfati, son of plaintiff Dvora Zarfati, a citizen of Israel, and brother of plaintiffs Eidit Zarfati and Rivka Zarfati, citizens of Israel; Hananya Zarfati, son of plaintiff Dvora Zarfati, a citizen of Israel, and brother of plaintiffs Eidit Zarfati and Rivka Zarfati, citizens of Israel; and Dov Moshe Guttman, son of plaintiff Haya Guttman, a citizen of Israel; 30 others are injured, including plaintiffs Naftali Lilzari, a citizen of Israel, and his wife, Galit Lilzari, a citizen of Israel; Racheli Uzan, Miryam Uzan, Arie Uzan and Or Uzan, citizens of Israel; Yoseff Dovlesy, a citizen of Israel, husband of plaintiff Perah Dovlesy, a citizen of Israel; and plaintiff Avram Yakovov, a citizen of Israel,

husband of plaintiff Ilanit Yakovov, a citizen of Israel, and father of plaintiffs Israel Yakovov, Devora Lea Yakovov, Menahem Mendel Yakovov, Shmuel Yakovov, Fanny Yakovov, Itzhak Luria Yakovov; Zelta Zeava Yakovov, Shterna Shira Yakovov, and Tehila Yehudit Yakovov, citizens of Israel; plaintiff Michal Toubul, a citizen of Israel, wife of plaintiff Eli Toubul, a citizen of Israel; plaintiffs Lieon Eliahu Siton, Yaloma Siton, Sivan Siton Frayman, Yakov Siton, Hana Siton, and Shara Siton, all citizens of Israel;

(88) December 2, 2001: A Hamas suicide bomber detonates an explosive device concealed under a coat on a No. 16 Egged bus near Yad L'banim in Haifa. 15 civilians are killed including Michael Zarayski, a citizen of Israel and father of plaintiff Michael Zarayski, a citizen of Israel; Rassime Safiullin, a citizen of Israel, father of plaintiffs Ravil Safiullin and Ali Safiullin, citizens of the United States, and husband of plaintiff Valentina Pelevin, a citizen of Israel; Riki Hadad, a citizen of Israel, wife of plaintiff Michael Hadad, a citizen of Israel, mother of plaintiffs Bat El Hadad and Almog Hadad, citizens of Israel, sister of plaintiffs Ilanit Malka, Itsik Cohen, and Esther Vertenstein, citizens of Israel, and daughter of plaintiff Irit Assaraf, a citizen of Israel; Inna Frenkel, a citizen of Israel, mother of plaintiff Michael Frenkel, a citizen of Israel; Yitzak Ringal, a citizen of Israel, brother of plaintiff Michael Ringal, a citizen of Israel; Ronen Kachlon, a citizen of Israel, son of plaintiffs Zori Kachlon and Panina Kachlon, citizens of Israel, father

of plaintiff Sahar Kachlon, a citizen of Israel, and brother of plaintiffs Dror Kachlon, a citizen of Israel and Italy, and Galit Karmi, a citizen of Israel; Mara Fishman, a citizen of Israel, wife of plaintiff Ilia Fishman, a citizen of Israel, and mother of plaintiff Alex Fishman, a citizen of Israel; Zizilia Kuzmin, a citizen of Israel, mother of plaintiff Evgeny Kuzmin, a citizen of the Ukraine; and Tatiana Borovik, a citizen of Israel, daughter of plaintiff Alla Borovik, a citizen of Israel, and sister of plaintiffs Boris Borovik and Sergey Borovik, both citizens of Israel; 35 are wounded, including plaintiff Shimon Kabesa, a citizen of Israel, father of plaintiff Rekem Kabesa, a citizen of Israel, and plaintiff Ronen Avrahami, a citizen of Israel, son of plaintiff Shoshi Juliusberger, a citizen of Israel;

(89) December 2, 2001: A Hamas gunman opens fire on a car near the Gaza settlement of Alei Sinai, killing Baruch Zinger, a citizen of Israel, husband of plaintiff Nurit Zinger, a citizen of Israel, and father of plaintiffs Oded Zinger, Ya'ara Zinger, Neta Zinger, and Elad Zinger, citizens of Israel and the United States;

(90) December 1, 2001: Two Hamas suicide bombers detonate explosive devices concealed in bags as well as explosive belts on Ben Yehudah Street in Jerusalem. Immediately afterwards, a booby-trapped car explodes. 11 civilians are killed including Asaf Avitan, a citizen of Israel and France, son of plaintiffs Miry Avitan and Avraham Avitan, citizens of Israel and France, and brother of plaintiffs

Eli Avitan and Efrat Avitan, citizens of Israel and France, and Jacob Israel Danino, a citizen of Israel, son of plaintiffs Avraham Danino and Elana Danino, citizens of Israel, and brother of plaintiffs Etemar Danino, Asaf Danino, Netanel Danino, David Moshe Danino, Izik Danino, Rachel Bezalel, and Efrat Bezalel, citizens of Israel; 170 are wounded, including plaintiffs Yifat Levy, a citizen of Israel, Lia Lihi Mizrachi, a citizen of Israel, Dana Mizrachi, a citizen of Israel, and Efraim Aroas, a citizen of Israel, son of plaintiffs Izak Aroas and Yaffa Aroas, citizens of Israel, and brother of plaintiffs Yossi Aroas, Zehava Levi, Avi Aroas, Netanel Aroas, Ben-Israel Aroas, and Or Aroas, citizens of Israel; plaintiff Avyatar Ben Lulu, a citizen of Israel; plaintiff Omer Eliav, a citizen of Israel; plaintiff Avi Zino, a citizen of Israel, son of plaintiff Viki Zino, a citizen of Israel, and brother of plaintiffs Aliza Zino, Yosef Zino, Shra Zino, Mheir Zino, Israel Zino, Moshe Zino, Yinon Zino, Rohi Zino, and Ruama Zino, all citizens of Israel; and plaintiff Yifat Levi, a citizen of Israel;

(91) November 29, 2001: A PIJ suicide bomber blows himself up on a No. 823 Egged bus en route from Nazareth to Tel Aviv near Hadera, killing 3 people, including Inbal Weiss, a citizen of Israel, daughter of plaintiffs Avner Weiss and Marianne Weiss, citizens of Israel, and sister of plaintiffs Daniel Weiss, Ami Weiss, and Avital Weiss, citizens of Israel, and injuring 9 others;

(92) November 27, 2001: Terrorists from PIJ and the AAMB open fire on a crowd at the Central Bus Station in Afula, killing 2, including Noam Gozovsky, a citizen of Israel, son of plaintiffs Natan Gozovsky and Miran Gozovsky, citizens of Israel, and injuring 50, including plaintiffs Hannah Levy, a citizen of Israel; Shula Gaon, a citizen of Israel; Ezra Sharabi, a citizen of Israel; and Dimitry Gantovnik, a citizen of Israel;

(93) November 27, 2001: Hamas operatives attack a convoy at Gush Katif with grenades and gunfire, killing Esther Fahima, a citizen of Israel, wife of plaintiff Gabi Fahima, a citizen of Israel, sister of plaintiff Avi Elhayani, a citizen of Israel, and mother of plaintiffs Tamir Fahima, Yoahai Fahima, Rotem Fahima, and Itay Shay Fahima, all citizens of Israel, and wounding 3;

(94) November 19, 2001: Tanzim gunmen open fire on a car near Shavei Shomron, wounding 3, including plaintiff Yair Haibi, a citizen of Israel and father of plaintiffs Shimrit Goeta, Vered Ben-Or, Hila Prizant, Racheli Taasa, Avraham Haibi, Yakov Haibi, and Eli Haibi, all citizens of Israel; and plaintiff Shimrit Goeta, a citizen of Israel, daughter of plaintiff Yair Haibi, a citizen of Israel, mother of plaintiff Liel Goeta, a citizen of Israel, and sister of plaintiffs Shimrit Goeta, Vered Ben-Or, Hila Prizant, Racheli Taasa, Avraham Haibi, Yakov Haibi, and Eli Haibi, all citizens of Israel;

(95) November 11, 2001: A Hamas gunman kills Aharon Osishkin, a citizen of Israel,

husband of plaintiff Pnina Osishkin, a citizen of Israel, brother of plaintiff Sarah Katz, a citizen of Israel, and father of plaintiffs Matan Osishkin and Shani Osishkin, citizens of Israel, and wounds another man at the entrance to Moshav Kfar Hess near Netanya;

(96) November 9, 2001: An AAMB gunman shoots and kills Hadas Shitrit Abutbul, a citizen of Israel, wife of plaintiff Yitzchak Abutbul, a citizen of Israel, mother of plaintiffs Gal Abutbul and Shani Abutbul, citizens of Israel, and sister of plaintiffs Phoebe Shitrit, Moshe Shitrit, Ruth Amram, Orli Azrad, Revital Amsalem, Meirav Peretz, Eilana Shitrit, Dvora Mshiah, Orit Bobli, Michal Valentino, and Oren Shitrit, citizens of Israel, at Yabed;

(97) October 28, 2001: PIJ gunmen open fire on a crowd at a bus stop in Hadera, wounding 40 and killing 4, including Sima Menachem, a citizen of Israel, wife of plaintiff Asher Kilgor, a citizen of Israel, and mother of plaintiff Leah Kilgor, a citizen of Israel, and Linda Marco, a citizen of Israel, wife of plaintiff Yulim Marco, a citizen of Israel;

(98) October 28, 1002: AAMB gunmen open fire at the Kibbutz Metzer junction and kill Yaniv Levy, a citizen of Israel and son of plaintiff Eliyahu Levy, a citizen of Israel;

(99) October 4, 2001: A Fatah terrorist opens fire on the bus stop at Afula, killing 3, including Haim Ben Ezra, a citizen of Israel, husband of Sol Ben Ezra, a citizen of Israel,

father of plaintiff Mordechai Ben Ezra, a citizen of Israel, and brother of plaintiffs Moshe Ben Ezra and Amram Ben Ezra, citizens of Israel, and injuring 12;

(100) October 2, 2001: Hamas militants launch a grenade and gun attack on the Alei Sinai settlement in the Gaza Strip, killing 2: Asaf Yitzhaki, a citizen of Israel, son of plaintiffs Esther Yitzhaki and George Yitzhaki, citizens of Israel, and brother of plaintiff Ilan Yitzhaki, a citizen of Israel, ,and Liron Harpaz, a citizen of Israel, daughter of plaintiffs Ester and Arik Harpaz, citizens of Israel, and sister of plaintiffs Shani and Chen Harpaz, citizens of Israel; and injuring 15, including plaintiffs Sarita Maoz and Dror Maoz, both citizens of Israel, parents of plaintiffs Or Maoz, Sheer Maoz, and Aviv Maoz, all citizens of Israel;

(101) September 26, 2001: An AAMB terrorist enters Moshav Maor and stabs Tzviya Pinhas, a citizen of Israel, wife of plaintiff Shlomo Pinhas, a citizen of Israel, and mother of plaintiffs Dorit Pinhas, Avigail Shoker, Avishag Pinhas, Yoav Pinhas, Asael Pinhas, Noach Pinhas, Amos Pinhas, and Avishay Pinhas, citizens of Israel, to death in her bed;

(102) September 20, 2001: Fatah terrorists gun down a vehicle near Tekoa, killing Sarit Amrany, a citizen of Israel, wife of plaintiff Shay Amrany, a citizen of Israel, and mother of plaintiffs Zohar Amrany, Siv Amrany, and Raz Amrany, citizens of Israel, and injuring plaintiff Shay Amrany, a citizen of Israel;

(103) September 12, 2001: Ruth Shuay, a citizen of Israel, wife of plaintiff Shlomo Shuay, a citizen of Israel, daughter of plaintiff David Hamra, a citizen of Israel, sister of plaintiffs Nurit Hamra, Nazem Hamra, and Amnon Hamra, citizens of Israel, and mother of plaintiffs Elran Shuay and Eyal Shuay, citizens of Israel, is killed in a drive-by shooting at Habla Junction, east of Qalqilya, West Bank;

(104) September 12, 2001: Plaintiff Judith Erlichman, a citizen of Poland and Israel, is wounded in an attack on a checkpoint bus stop;

(105) September 11, 2001: Palestinian gunmen open fire on the Eivtan Border Police base, killing two soldiers, one of whom is Zhai David, a citizen of Israel, son of plaintiffs Ezra David and Carmela David, and brother of plaintiffs Hila David and Na'ama David, all citizens of Israel; another is wounded. A Fatah splinter group claims responsibility;

(106) September 6, 2001: A Fatah Tanzim gunman ambushes a car at Kibbutz Bahan, killing Erez Merhavi, a citizen of Israel, son of plaintiffs Ora Merhavi and Yosef Merhavi, both citizens of Israel, and brother of plaintiffs Dror Merhavi, Shmuel Merhavi, Vered Merhavi, and Shlomo Merhavi, all citizens of Israel, and wounding one other;

(107) August 29, 2001: Oleg Sotnikov, a citizen of the Ukraine, husband of plaintiff Irina Sotnikov, a citizen of the Ukraine, and father of plaintiff Denis Sotnikov, a citizen

of Israel, is ambushed, shot, and killed in a village near Nablus. Two unknown groups, "the al-Aqsa Dead" and the "Forces of Islamic Resistance," claim responsibility for his murder;

(108) August 26, 2001: Dov Roseman, a citizen of Israel, husband of plaintiff Ilana Roseman, a citizen of Israel, and father of plaintiffs Meital Roseman, Eran Roseman, and Mimi Roseman Shapira, citizens of Israel, is ambushed, shot, and killed by Fatah terrorists near Zaita, Tulkarem, opposite Kibbutz Magal;

(109) August 9, 2001: A PIJ suicide bomber blows himself up at the Sbarro restaurant located on King George and Jaffa Street in Jerusalem. 15 Israelis are killed including Yocheved Shushan, sister of plaintiff Kerovah Shushan, a citizen of Israel; Frieda Mendelsohn, wife of plaintiff Shimon Mendelsohn, a citizen of Israel, and sister of plaintiff Chava Malgrud, a citizen of Israel; and Tehila Maoz, daughter of plaintiff Hanna Maoz, a citizen of Israel, and 110 are wounded, including plaintiffs Kerovah Shushan, a citizen of Israel, Orna Amit, a citizen of Israel, Chava Malgrud, a citizen of Israel, and Miryam Sara Shushan, a citizen of Israel;

(110) August 9, 2001: Dvir Reshef, a citizen of Israel and son of plaintiff Jonathan Reshef, a citizen of Tunisia, is shot and killed at the entrance to his army base near Tulkarem;

(111) July 16, 2001: A PIJ suicide bomber blows himself up at a bus stop in Binyamina,

killing 2 and injuring 11, including plaintiff BenTzion Avdaev, a citizen of Israel, son of plaintiffs Avigail Avdaev and Ovadia Avdaev, citizens of Israel, and brother of plaintiffs Sonia Avdaev, Ariel Avdaev, and Boris Avdaev, citizens of Israel, and plaintiff Miryam Shamir, a citizen of Israel, wife of plaintiff Ram Shamir, a citizen of Israel, and mother of plaintiffs Omer Shamir and Rotem Shamir, citizens of Israel;

(112) July 13, 2001: A Fatah Tanzim gunman opens fire at Kiryat Arba, killing one person and injuring plaintiff Shmuel Ben Bassat, a citizen of Israel, husband of plaintiff Michal Ben Bassat, a citizen of Israel, father of plaintiffs Uriel Ben Bassat, Zeev Ben Bassat, and Hagar-Ruth Cohen, citizens of Israel, and son of plaintiffs Linda Ben Bassat and David Ben Bassat, citizens of Israel;

(113) July 2, 2001: Aharon Avadian, a citizen of Israel, husband of plaintiff Irit Avadian, a citizen of Israel, is shot at close range and killed while shopping at the market near Baqa Sharqia;

(114) June 28, 2001: Ekaterina (Katya) Weintraub, a citizen of Russia, wife of plaintiff Alex Weintraub, a citizen of Russia, mother of plaintiff Ariel Weintraub, a citizen of Russia, sister of plaintiff Elana Weintraub, a citizen of Russia, and daughter of plaintiffs Yakim Weintraub and Ludmila Weintraub, citizens of Russia, is shot and killed by AAMB while traveling on the Jenin bypass road;

(115) June 18, 2001: Doron Zisserman, a citizen of Israel, husband of plaintiff Tamar Zisserman, a citizen of Israel, is shot and killed by Fatah terrorists near Einav;

(116) June 1, 2001: A Hamas suicide bomber blows himself up at the entrance to the Dolphinarium dance club in Tel Aviv. Most of the youths killed or injured are girls, between the ages of 14 and 18, celebrating their high school graduation. Two Hamas operatives drive the suicide bomber to the disco, a popular club often packed with Russian immigrant teenagers; he slips unnoticed into line and positions himself among several girls, including a 14-year-old who had survived a previous bombing in Netanya. Then, while flirting with one of the girls, he triggers the explosives. The blast is so intense that it tears limbs from the victims' bodies, scatters their flesh up to six blocks away, and vaporizes the bomber and the girl next to him. Twenty-two people are killed including Maria Tagiltsev, a citizen of Israel, daughter of plaintiff Olga Tagiltsev, a citizen of Israel; Jan Blum, a citizen of Israel, husband of plaintiff Irina Blum, a citizen of Israel, and son of plaintiff Ludmila Ivanova Blum, a citizen of Israel; Liana Saakian, a citizen of Russia, daughter of plaintiffs Marina Berezouskya and Leonid Saakian, both citizens of Russia, and twin sister of plaintiff Piotr Saakian, a citizen of Russia; Aleksei Lupalo, a citizen of the Ukraine, son of plaintiffs Ivan Lupalo and Larysa Lupalo, citizens of the Ukraine, and brother of plaintiff Lyubov Lupalo, a citizen of the Ukraine; Marina Berkovsky, a citizen

of Israel, daughter of plaintiff Lilia Toukovsky, a citizen of Israel, and sister of plaintiff Baruch Zohar, a citizen of Israel; Ryisa Nemirovsky, a citizen of Turkmenistan, daughter of plaintiffs Ilya Nemirovsky, a citizen of Belarus, and Lubov Nemirovsky, a citizen of Israel; Uri Shahar, a citizen of Israel, son of plaintiff Madlen Shahar, a citizen of Israel; Elena Nalimova and Yulia Nalimova, citizens of Israel, daughters of plaintiff Ella Nalimova, a citizen of Israel, and sisters of plaintiff Alex Nalimova, a citizen of Israel; Yulia Sklianik, a citizen of Uzbekistan, daughter of plaintiffs Irina Sklianik and Oleg Sklianik, both citizens of Uzbekistan, and sister of plaintiff Lior Sklianik, a citizen of Uzbekistan; Jenya Dorfman, a citizen of Israel, daughter of plaintiff Faina Dorfman, a citizen of Israel; Mariana Medvedenko, a citizen of Russia, daughter of plaintiff Victor Medvedenko, a citizen of Russia; Anya Kazachkov, a citizen of Israel and Russia and daughter of plaintiff Anna Kazachkov, a citizen of Israel and Russia; Simona Rudin, a citizen of Israel, daughter of plaintiff Irina Tal, a citizen of Israel; Irina Nepomnyashchy, a citizen of Israel, daughter of plaintiff Raisa Nepomnyashchy, a citizen of Israel, and sister of plaintiff Pavel Zichroni, a citizen of Israel; Ilia Gutman, a citizen of Israel, son of plaintiffs Boris Gutman and Larisa Gutman, both citizens of Kazakhstan, and brother of plaintiff Michael Gutman, a citizen of Israel; Katrin Talker, a citizen of Israel, daughter of plaintiff Ludivia Talker, a citizen of Israel; and Sergei Panchenko, a

citizen of the Ukraine, son of plaintiff Natalia Sannikova, a citizen of the Ukraine; 83 people are wounded including plaintiffs Lior Sklianik; Maria Kavosnidova, a citizen of Israel, Tamara Fubrickunt, a citizen of Israel, Margarita Sherman, a citizen of Israel, Polina Valis, a citizen of Israel, Anna Pistunov, a citizen of Israel, Ivgeni Moldavski, a citizen of Moldova, Oksana Diatlov, a citizen of Israel, Tanya Weiz, a citizen of Israel, daughter of plaintiff Ludmila Weiz, a citizen of Israel; Irina Lipkin, a citizen of Israel and Russia, daughter of plaintiffs Leonid Lipkin and Faina Lipkin, citizens of Israel and Russia; Ziva Mevzos, a citizen of Israel, daughter of plaintiffs Liza Mevzos and Stanislav Mevzos, citizens of Israel, and sister of plaintiff Marina Mevzos, a citizen of Israel; and Alexander Plotkin, a citizen of Israel, son of plaintiff Elena Plotkin, a citizen of the Ukraine;

(117) May 31, 2001: Zvi Shelef, a citizen of Israel, husband of plaintiff Rachel Shelef, a citizen of Israel, is killed in a drive-by shooting by AAMB in the Baqa Sharqia district of Tulkarem, West Bank;

(118) May 28, 2001: A drive-by shooter injures 4 women at the Otzrin Intersection on the Trans-Samarian Highway in Galilee, including plaintiff Olga Lubman, a citizen of Israel;

(119) May 25, 2001: Two PIJ suicide bombers drive an explosives-laden car into the side of a bus near the central station in Hadera. 65 are injured, including plaintiff Carmela Litmanovicz, a citizen of Israel and Uruguay

and sister of plaintiff Stela Maris Dos Santos, a citizen of Uruguay;

(120) May 25, 2001: Yosef Alfasi, a citizen of Israel, husband of plaintiff Margaret Alfasi, a citizen of Israel, is kidnapped by Palestinian terrorists while working in Ginot Shomron, stabbed to death, and burned;

(121) May 23, 2001: Palestinian gunmen open fire in an ambush on the road outside Ariel, killing Asher Eiluz, a citizen of Israel, wife of plaintiff Ayelet Eiluz, a citizen of Israel;

(122) May 18, 2001: A Hamas suicide bomber detonates an explosive device strapped to his body at the entrance to the Hasharon Mall in Netanya. 5 Israeli civilians are killed, including Miriam Vaxman, wife of plaintiff Josef Vaxman, a citizen of Israel, and mother of plaintiffs Hanoch Vaxman and Hen Vaxman, citizens of Israel, and Terza Polonsky, wife of plaintiff Ahikam Polonsky, a citizen of Israel; 86 are wounded including plaintiffs Maxim Azulai, a citizen of Israel, Josef Vaxman, a citizen of Israel, Hila Hen, a citizen of Israel, Israel Haizler, a citizen of Israel, and Ludmila Glantz, a citizen of Israel; plaintiffs Moran Rokach and Liat Rokach, citizens of Israel, daughters of plaintiffs Yaffa Rokach and Josef Rokach, citizens of Israel, and sisters of plaintiffs Yahalomit Rokach, a citizen of Israel, and Rosi Rokach Eyal, a citizen of Israel and Australia; plaintiff Maital Maymony, a citizen of Israel, daughter of plaintiffs Guy Maymony and Kludin Maymony, citizens of Israel; plaintiff Dikla Hadad, a

citizen of Israel, daughter of plaintiffs Haim Hadad and Hadasa Hadad, both citizens of Israel, wife of plaintiff Eliraz Meshulam, a citizen of Israel, and sister of plaintiffs Yogev Hadad and Neama Hadad, both citizens of Israel; plaintiff Yuri Abramov, a citizen of Israel; plaintiff Ina Segal, a citizen of Israel and Russia, mother of plaintiffs Diana Segal, Christina Segal, and Sharon Segal, citizens of Israel; plaintiff Ortal Alevi, a citizen of Israel, sister of plaintiffs Yonatan Alevi and Eyal Alevi, both citizens of Israel, and daughter of plaintiff Mazal Alevi, a citizen of Israel; and plaintiff Liliane Peretz, a citizen of Israel and France, wife of plaintiff Meir Peretz, a citizen of Israel, and mother of plaintiffs Oren Peretz, Ely Peretz, Moshe Peretz, and Dalya Peretz, all citizens of Israel and France;

(123) May 18, 2001: Palestinian gunmen ambush and open fire on a vehicle traveling the bypass road at Neve Zuf, killing Yair Nebenzal, a citizen of Israel and son of plaintiffs Adina Nebanzal and Menachem Nebanzal, both citizens of Israel, and injuring his mother, plaintiff Adina Nebenzal, a citizen of Israel, wife of plaintiff Menachem Nebenzal, a citizen of Israel;

(124) May 8, 2001: A member of PIJ beats and stones two teenaged boys to death, one of whom is Yosi Ish-Ran, a citizen of Israel, son of plaintiffs Rina Ish-Ran and Ezera Ish-Ran, both citizens of Israel, and brother of plaintiffs Dohav Ish-Ran, Naheli Ish-Ran, and Dolev Ish-Ran, all citizens of Israel, in Gush Etzion;

(125) April 22, 2001: A Hamas suicide bomber detonates an explosive device strapped to his body near a bus stop in the city of Kfar Saba, killing Dr. Mario Goldin, a citizen of Israel and Argentina, husband of plaintiff Beatriz Goldin, a citizen of Israel and Argentina, and wounding 50, including plaintiff Michael Milman, a citizen of Uzbekistan;

(126) March 28, 2001: A Hamas suicide bomber blows himself up near a gas station at the Neveh Yamin/Kfar Saba Junction. Two Israeli civilians are killed, including Eliran Rozenberg, son of plaintiff Yoram Rozenberg, a citizen of Israel, and brother of plaintiffs Zohar Rozenberg, Harel Rozenberg, and Neria Rozenberg, citizens of Israel, and 4 are wounded;

(127) March 27, 2001: A Hamas suicide bomber blows himself up on a Jerusalem bus at the Hagiva Hatzarftit junction and wounds 28, including plaintiff Danielle Fine-Cohen, a citizen of Israel and the United States, wife of plaintiff Shaul Cohen, a citizen of Israel, daughter of plaintiff Sara Fine-Meltzer, a citizen of Israel and the United States, sister of plaintiffs Asher Fine, Batya Shukrun, Yael Jessica Shoshni, and Jonathan Fine, all citizens of Israel and the United States, and mother of Eliyah Pinchas Cohen, a citizen of Israel; and Shmuel Shfaim, a citizen of Israel, husband of plaintiff Iris Shfaim, a citizen of Israel, and father of plaintiffs Matan Shfaim, Dan Shfaim, Roie Shfaim, David Shfaim, Inbal Shfaim, and Neta Shfaim, citizens of Israel;

(128) March 12, 2001: Judit Cohen, a citizen of Israel, wife of plaintiff Ronen Cohen, a citizen of Israel and the United States, daughter of plaintiffs Magdalena Kocsis and Csaba Kocsis, both citizens of Israel and Romania, and mother of plaintiff Daniel Cohen, a citizen of Israel and the United States, is shot and killed on the main road between Matzuba and Shlomi;

(129) March 4, 2001: A Hamas suicide bomber detonates an explosives-laden case on the main street of Netanya. 3 are killed and 65 wounded, including plaintiff Bosmat Glam, a citizen of Israel, son of plaintiffs David Glam, a citizen of Israel, and Rachel Glam, a citizen of Israel and Morocco; plaintiff Ariel Mahfud, a citizen of Israel, husband of plaintiff Debora Mahfud, a citizen of Israel and the United Kingdom, father of plaintiffs Roei Mahfud, Yaier Mahfud, and David Mahfud, citizens of Israel, and son of plaintiffs Sarah Mahfud and Shalom Mahfud, citizens of Israel; plaintiff Mazal Alevi, a citizen of Israel, mother of plaintiffs Ortal Alevi and Eyal Alevi, citizens of Israel;

(130) February 25, 2001: Plaintiff Yosef Cohen, a citizen of Israel, is shot and wounded in an attack near the Bir Zeit bridge;

(131) February 14, 2001: A Hamas terrorist plows a bus into the crowd at the Azour Junction bus stop, killing 8, including Yasmin Karisi, a citizen of Israel, daughter of plaintiffs Smadar Karisi and Chaim Karisi, citizens of Israel, and sister of plaintiffs Neta Karisi and Ran Karisi, citizens of Israel;

Alexandr Manevich, a citizen of Israel, son of plaintiff Sofia Manevich, a citizen of Israel; Sima Azulai Shitrit, a citizen of Israel, daughter of plaintiff Chaim Azulai, a citizen of Israel; and Kochava Polonsky, a citizen of Israel, daughter of plaintiffs Eliyahu Polonsky and Tatiana Polonsky, citizens of Israel, and sister of plaintiffs Alex Polonsky and Alen Polonsky, citizens of Israel, and wounding 25, including plaintiff Monik Bouzchis (Goldwaser), a citizen of Israel, daughter of plaintiff Sharon Evans, a citizen of Israel, and sister of plaintiff Jared Evans, a citizen of Israel;

(132) February 11, 2001: Palestinian gunmen open fire on a car near Gush Etzion and kill Tzachi Sasson, a citizen of Israel, brother of plaintiff Gabriel Sasson, a citizen of Israel;

(133) February 2, 2001: Fatah Tanzim terrorists shoot and kill Lior Attiah, a citizen of Israel, son of plaintiff Shoshana Attiah, a citizen of Israel, and brother of plaintiffs Esther Dayan Eliyahu and Orly Shlomo, citizens of Israel, near Jenin;

(134) January 23, 2001: Hamas terrorists kidnap and execute Mordichai Dayan, a citizen of Israel, son of plaintiff Eliyahu Dayan, a citizen of Israel, and brother of plaintiffs Gil Dayan, Daphna Dayan, Shai Dayan, and Sharona Halprin, citizens of Israel, and Edgar Zeitoune, a citizen of Israel, son of plaintiff Benyamine Zeitoune, a citizen of Lebanon, at a restaurant in Tulkarem;

(135) January 1, 2001: A Hamas suicide bomber blows himself up on the main street of Netanya and injures 60, including plaintiffs Perach Baruch, a citizen of Israel, Yitzhak Moskovitz, a citizen of Moldova, and his granddaughter, Ma'ayan Forman, a citizen of Israel;

(136) December 28, 2000: A Palestinian gunman stages an ambush at the West Bank settlement of Eilon Moreh, shooting and wounding plaintiff Semuel Hilario, a citizen of Israel and Peru, husband of plaintiff Yehudit Hilario, a citizen of Israel and Peru, and father of plaintiffs Izak Hilario, a citizen of Israel and Peru, Pnina Michal Sikcce, a citizen of Israel, and Ariela Hilario, a citizen of Israel;

(137) December 12, 2000: Palestinians attack a car in the Gaza settlement of Morag with automatic weapons, injuring 2, among them plaintiff Raichel Yom-Tov, a citizen of Israel, wife of plaintiff Menashe Yom-Tov, a citizen of Israel, and mother of plaintiffs Hodaia Yom-Tov, Shira Yom-Tov, Aviosaf Yom-Tov, Yigal Yom-Tov, Ruth Yom-Tov, Yinon Yom-Tov, Moshe Yom-Tov, and Hadar Yom-Tov, all citizens of Israel;

(138) December 8, 2000: A gunman ambushes a van near Kiryat Arba, killing 2, including plaintiff Rina Didovsky, a citizen of Israel, wife of plaintiff Chaim Didovsky, a citizen of Israel, daughter of plaintiff Aliza Yechzkely, a citizen of Israel, sister of plaintiffs Roni Yechzkely, Zipy Goelman, and Uzi Yehezkely, citizens of Israel, and mother of plaintiffs

Raat Didovski and Israel Didovski, citizens of Israel, and wounding one other;

(139) December 8, 2000: Palestinian gunmen open fire on a bus traveling along the Jericho bypass road, killing Tal Gordon, a citizen of Israel, son of plaintiff Orna Gordon, a citizen of Israel, stepson of plaintiff Aleksandr Gorodetsky, a citizen of Israel, and brother of plaintiff Maor Gordon, a citizen of Israel;

(140) November 22, 2000: PIJ explodes a car bomb alongside a bus in Hadera, killing 2, including Shoshana Ris, a citizen of Israel, daughter of plaintiffs Toovya Ris and Tzvia Ris, citizens of Israel, and sister of plaintiff Anat Ris, a citizen of Israel, and injuring 60, including plaintiff Hanna Segal, a citizen of Israel and sister of plaintiff Pnina Alterovich, a citizen of Israel; and plaintiff Michal Ganon, a citizen of Israel, daughter of plaintiff Viviane Asseraf, a citizen of Israel;

(141) November 20, 2000: AAMB terrorists launch an artillery shell at a school bus carrying children and teachers near Kfar Darom. Two are killed, among them Miriam Amitai, a citizen of Israel, sister of plaintiffs Yael Sagman, Tami Nachmias, Ofra Adani, Michal Finkel, Yehonatan Boneh, and Yitzhak Boneh, citizens of Israel, and daughter of plaintiffs Naomi Boneh and Zebulon Boneh, citizens of Israel, and 9 wounded;

(142) November 18, 2000: A Palestinian Preventative Security Service officer attacks IDF soldiers stationed at the Gaza settlement of Kfar Darom. 2 are injured and Baruch Snir

Floom, a citizen of Israel, son of plaintiff Ester Floom, a citizen of Israel, is shot dead;

(143) November 2, 2000: A PIJ suicide bomber detonates a car bomb explosion near the Mahane Yehuda market in Jerusalem. Two Israelis are killed: Hanan Levy, a citizen of Israel, the son of plaintiffs Aharon Levy and Esther Levy, citizens of Israel, and brother of plaintiff Tal Cohen, a citizen of Israel; and Ayelet Hashahar Levy, a citizen of Israel, daughter of plaintiff Itshak Levy, a citizen of Israel, ex-wife of plaintiff Zeev Wiesner, a citizen of Israel and the United States, and mother of plaintiff Oriya Wiesner, a citizen of Israel. 10 people are injured;

(144) October 28, 2000: Marik Gavrilov, a citizen of Israel, son of plaintiffs Yuri and Anna Gavrilov, citizens of Israel, and brother of plaintiffs Radion Gavrilov and Artur Gavrilov, citizens of Israel, is tortured, shot, and burned in his car between Beitunia and Ramallah. Fatah Tanzim is responsible;

(145) October 3, 2000: A firebomb is thrown at a vehicle traveling on Road 443 near Bet Shoron, injuring plaintiff Yair Azziz, a citizen of Israel, husband of plaintiff Gila Azziz, a citizen of Israel, and father of plaintiffs Liron Azziz, Eviatar Azziz, and Inbal Azziz, all citizens of Israel;

(146) November 7, 1999: Hamas operatives detonate three pipe bombs on the main street of Netanya, injuring 27, including plaintiff Elimelech Berkovitz, a citizen of Israel;

(147) August 7, 1999: Edward Bradichanski, a citizen of Israel, father of plaintiffs Roman and David Bradichanski, citizens of Israel, and wife of plaintiff Fina Bradichanski, a citizen of Israel, is killed and burned in his car on the Shechem-Jenin road. Hamas is responsible for the murder;

(148) January 4, 1999: Palestinian gunmen open fire on a vehicle in Kiryat Arba, wounding two women, one of whom is plaintiff Fanny El Ezra, a citizen of Israel, wife of plaintiff Meir El Ezra, a citizen of Israel, and mother of plaintiff Kinneret Day, a citizen of Israel;

(149) December 2, 1998: A Hamas lynch mob attacks and stones a vehicle near Ramallah, nearly killing the passengers, among them plaintiff Asaf Myara, a citizen of Israel and the United Kingdom;

(150) October 29, 2998: A suicide terrorist drives an explosives-laden car into the side of a school bus in the Gaza Strip settlement of Kfar Darom, killing one and injuring several others, among them plaintiff Ziv Hazanovsky, a citizen of Israel;

(151) March 21, 1997: A suicide bomber explodes on the terrace of a Tel Aviv café, killing 3 and injuring 48, including plaintiff Lior Bort, a citizen of Israel, husband of plaintiff Carmel Bort, a citizen of Israel, and father of plaintiffs Shy Bort and Stav Bort, both citizens of Israel; and plaintiff Rina Ronen, a citizen of Israel and Italy, wife of plaintiff Mark Ronen, a citizen of Israel and

Italy, daughter of plaintiff Rachel Lavie, a citizen of Israel and the United Kingdom, and sister of plaintiff Nira Zohar, a citizen of Israel;

(152) May 13, 1996: Palestinian gunmen open fire on Jewish settlers at the Ayosh Junction in the West Bank, killing one and injuring others, including plaintiff Ravit Rivka David, a citizen of Israel, wife of plaintiff Uzi David, a citizen of Israel, daughter of plaintiffs Ahuva Salman and Adiv Salman, both citizens of Israel, and mother of plaintiffs Omri David, Noa David, and Yair David, all citizens of Israel;

(153) March 4, 1996: A PIJ suicide bomber detonates a 20-kilo nail bomb outside the Dizengoff Center in Tel Aviv. 13 are killed, including Inbar Attiya, a citizen of Israel, daughter of plaintiffs Jacob Attiya and Hermona Attiya, both citizens of Israel, and sister of plaintiffs Assaf Attiya and Orit Attiya Tarkay, both citizens of Israel; Hadas Dror, a citizen of Israel, daughter of plaintiffs Nahum Dror and Yael Dror, both citizens of Israel, and sister of plaintiffs Nitzan Dror and Erez Dror, both citizens of Israel; Tali Gordon, a citizen of Israel, daughter of plaintiff Margalit Gordon and sister of plaintiff Alon Gordon, both citizens of Israel; Yovav Levi, a citizen of Israel, son of plaintiffs Kochava Levi and Yosef Levi, both citizens of Israel, and brother of plaintiffs Nadav Levi and Matan Levi, both citizens of Israel; Bat-Hen Shahak, a citizen of Israel, daughter of

plaintiffs Tzvika Shahak and Ayelet Shahak, both citizens of Israel, and 115 wounded;

31. Plaintiffs, who were civilians, were injured and/or their decedents were killed in these terrorist attacks.

32. Defendant knew or should have known that the funds deposited in the accounts established and maintained by it, or otherwise belonging to, disbursed by or under the control of it, were used to support, encourage, entice and make possible these suicide bombings and other murderous attacks in that Defendant established, maintained and administered an elaborate and highly organized program to make financial payments to the families of Palestinian "martyrs," including suicide bombers and other genocidal murderers and maimers, and to Foreign Terrorist Organizations and their front organizations.

Defendant

33. Arab Bank is a Jordanian banking institution with a branch office for the transaction of business located at 520 Madison Avenue, New York, New York. Arab Bank conducts business in, and is registered to conduct business under, the laws of the State of New York. It has operated a federally chartered branch in New York for over twenty years. The New York branch is designated as a wholesale bank, and among the banking and financial services that it conducts in New York is the provision of clearing and correspondent bank services to its foreign bank branch offices and affiliated banking institutions that are also owned and/or controlled by the Arab Bank Group as well as other foreign banks.

34. Arab Bank is also one of the largest financial institutions in the Middle East. Headquartered in

Jordan, it operates through a global network of more than 400 branches and offices in over twenty-five countries. Arab Bank maintains a business presence in every Arab country where private banking is permitted, as well as twenty-two local branches throughout the West Bank and Gaza Strip. Arab Bank also benefits from and operates through its various sister institutions, subsidiaries, and affiliates, which collectively make up the "Arab Bank Group". To this end, Arab Bank owns a 40% interest in Saudi Arabia's Arab National Bank.

JURISDICTION AND VENUE

35. Jurisdiction arises pursuant to 28 U.S.C. §1330(a), §1331 and §1332(a)(2), 18 U.S.C. §§ 2334, 2338. Jurisdiction also arises pursuant to 28 U.S.C. §1350 ("Alien Tort Claims Act") and 18 U.S.C. §1367. This Court has both personal and subject-matter jurisdiction over the Defendant herein.

36. Venue is both proper and convenient in this District pursuant to 28 U.S.C. §1391 and 28 U.S.C. §2334.

FACTUAL ALLEGATIONS

I. Arab Bank

37. Arab Bank is the largest bank in Jordan with reported total assets of $23 billion. Based in Amman, Jordan, its common stock is publicly traded on the Amman Stock Exchange. Arab Bank is majority owned and controlled by the shareholders of Arab Bank Group, a Jordanian holding company, which is controlled by the Shoman family, a Jordanian family of Palestinian descent. Arab Bank and Arab Bank Group constitute a single Jordanian banking institution, and they own, control and/or operate offices and

branches worldwide, including branches in every Arab country and 15 branches that are located in Palestinian Authority-administered territories in the West Bank and Gaza.

38. According to a recent Arab Bank press release, "It is worth mentioning that Arab Bank was established in Palestine in 1930." Indeed, since at least the mid 1990s, Arab Bank has been the preferred channel for the transfer of funds from institutional sources into the Palestinian Authority-administered territories and into the hands of terrorists, their front organizations and their dependents. For example, Arab Bank has provided banking services to the Islamic Resistance Movement ("Hamas"), named as a Specially Designated Terrorist Entity ("SDT") in 1995, as a designated Foreign Terrorist Organization ("FTO") in 1997 (and subsequently in 1999, 2001, and 2003), and as a Specially Designated Global Terrorist Entity ("SDGT") in 2001, directly through its El-Mazra Branch Account # 3-810-622473-0330 in Beirut, Lebanon, which collected funds directly in the name of Hamas. Similarly, the Hamas web site directed its supporters to make contributions to Account # 38924/510 at Arab Bank's Gaza branch. As described below, Arab Bank also administers the financial infrastructure that supports terrorism by distributing monies to designated families of Palestinian "martyrs", including suicide bombers and those killed, wounded or imprisoned in perpetrating terrorist attacks, and to other terrorist operatives and front organizations.

39. Advertisements publicized throughout the Middle East call for donations to Arab Bank accounts to help support the intifadah.

40. On October 3, 2000, during the early days of the ongoing violent Palestinian-Israeli confrontation, the

Orbit TV (an Arabic cable TV network backed by the powerful Mawarid Group of Saudi Arabia) 'Ala al-Hawaa' ["On the air"] program interviewed Hezbollah leader Sheikh Hassan Nasrallah and Sheikh Ahmad Yassin, the former Hamas leader who was killed in an Israeli targeted attack on March 22, 2004. The program showed a slide of the names of banks and account numbers where donations could be deposited for the Palestinians participating in the violent confrontation with Israel: Arab Bank, Geneva Branch, account number 2225200; and Arab Bank, Al-Shamissani, Amman, account number 9171.1.510

41. The Voice of Al-Aqsa Internet site (www.aqsavoice.net) (which served Hamas) posted an announcement on May 3, 2004, condemning the Israeli air force's attack on the station. The announcement read as follows: "In order to help renew our broadcasts, you can donate to the Al-Ribat Lil-I'lam account, number 100835 at the Al-Rimal [Gaza] branch of the Arab Bank or [account] number 20669 at the Arab Islamic Bank in Gaza."

42. A call was sent out over the Hamas Internet site asking for contributions to the Palestinian publicity effort (the "holy war of words") through the Beirut branch of the Arab Bank. The Hamas Internet site posted the following message on October 9, 2002: "For the blessed victory of Al-Aqsa, and the uprising of the valiant Palestinian people, to expose the Zionist acts of slaughter against the defenseless Palestinian people and to show the Zionist danger to the Arab and Islamic world – contribute to the Palestinian Information Center on the Internet [the Hamas Internet site, www.palestine-info.info] for the honor of participating in the 'holy war of words' . . . contribute

to the support of the site so that it can continue to expand . . ."

43. The following appeal from the chairman of the Tulkarem Charitable Society to the Arab Bank director about transferring financial support from the Saudi Commiettee in Support of the intifadah was posted on the Hamas Internet site on July 10, 2004:

> "To save the holy Temple Mount and the intifada [violent insurrection] of the valiant Palestinian people . . . to reveal the Zionist danger to the Arab and Islamic world . . . to save Jerusalem and Al-Aqsa, to support the fighters and to publicize their courage and brave resistance . . . to expose the truth others are trying to hide, ignore and distort . . . the Palestinian Information Center [the Hamas Internet site], Palestine's voice to the world . . . [calls upon you to] contribute to the Palestinian Information Center site on the Internet, contribute to support the site, so that it can continue to expand . . . help us, participate in the truth by supporting Palestinian and Islamic media. The Palestinian Information Center accepts contributions and financial participation. The account is in American dollars."

44. In addition to operating all over the Middle East, Arab Bank has operated a federally chartered branch in New York since 1983. The bank is supervised by the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency and the FDIC.

45. Arab Bank has a duty to conduct itself in conformity with high ethical standards, comply with the laws and regulations applicable to the industry, avoid use of the bank's services for illegal purposes, and cooperate fully and appropriately with law enforcement authorities. On these points, in 1988, the Basel Committee[1], an international banking standards organization that formulates broad supervisory standards and guidelines and recommends statements of best banking practice, stated the following principles:

- "Banks' management should ensure that business is conducted in conformity with high ethical standards and that laws and regulations pertaining to financial transactions are adhered to."
- "[B]anks should not set out to offer services or provide active assistance in transactions which they have good reason to suppose are associated with money-laundering activities."
- "Banks should cooperate fully with national law enforcement authorities to the extent permitted by specific local regulations relating to customer confidentiality. Care should be taken to avoid providing support or assistance to customers seeking to deceive law enforcement agencies through

[1] The Basel Committee was established as the Committee on Banking Regulations and Supervisory Practices by the central-bank Governors of the Group of Ten countries at the end of 1974. The Committee's objective is to improve supervisory understanding and the quality of banking supervision worldwide by, inter alia, setting minimum supervisory standards and guidelines and recommending statements of best practice.

the provision of altered, incomplete or misleading information.

- "Where banks become aware of facts which lead to the reasonable presumption that money held on deposit derives from criminal activity or that transactions entered into are themselves criminal in purpose, appropriate measures, consistent with the law, should be taken, for example, to deny assistance, sever relations with the customer and close or freeze accounts."

(Basel Committee, Prevention of Criminal Use of the Banking System for the Purpose of Money-Laundering, Statement of Principles (December 1988), reprinted in BSA Manual, Section 1501.0 (September 1997), at 3-4.)

46. Arab Bank admits that it is "at the forefront of preventing money-laundering and terrorist financing."[2] It admits that, "[a]s a matter of general policy, the Bank deliberately applies the strictest of the rules as set out by the various regulators."[3] It admits, "[m]ost importantly, in order to counter terrorist financing transactions, Arab Bank applies the Office of Foreign Assets Control's list (commonly known as the "OFAC list"), as well as other lists, including local lists developed by the jurisdictions in which the bank

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[2] Declaration of Shukry Bishara, filed in support of Defendants' Memorandum of Law in Support of its Motion to Dismiss the First Amended Complaint, *Linde, et al. v. Arab Bank*, Civ. Action No. 04 CV 2799 (NG)(ASC) (EDNY), at ¶ 44, [hereinafter "Bishara Decl."].

[3] Id. at ¶ 45.

operates."[4] In fact, Arab Bank admits that "[i]ndependently of any regulatory requirements, the Bank has been at the forefront of creating and implementing strict standards on its own."[5] As Arab Bank acknowledges that it is at the forefront of terrorist financing regulations and that it has independently created even stricter standards of its own, it is obviously aware of, and contends to be compliant with, all United States federal laws and all international standards that apply to financial institutions.

47. According to an article in *AZ Quds AZ Arabi* newspaper on September 7, 2004, Arab Bank issued a statement to the press claiming that "Arab Bank practices the highest professional banking standards in Palestine, New York, or in any of its branches, numbering 420 and operating in 28 countries around the world."

48. In a recent statement by the Jordanian Banking Association discussed in a December 30, 2004, article in *AZ* Sharq *AZ Awsat* Newspaper, the Association noted that: "the Arab Bank . . . operates within the framework of the regulations and the supervision of the Central Jordanian Bank and the central banks in the countries where it operates, including the American Federal Reserve Bank."

49. Despite those assertions, Arab Bank maintained accounts for terrorists and supporters of extremist organizations such as Hamas and Al Qaeda, including Yassin Al Qadi, Waleed Abu Shaikah, Adel Al Harithy, Omar Saleh Saeed Al Amoudi, and Cambridge

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[4] Defendants' Memorandum of Law in Support of its Motion to Dismiss the First Amended Complaint, Linde, et al. v. Arab Bank, Civ Action No. 04 CV 2799 (NG)(ASC) (EDNY), at 5.

[5] Bishara Declaration at ¶ 50.

Engineering Systems. In addition, Arab Bank maintained the following accounts:

- Account no. 544134, belonging to Muhammad Nazih Salah Abu 'Abah (Hamas operative from Qalqiliya);
- Account no. 582310, belonging to Muntasser Abu Ghalyon (head of Fatah/Tanzim in Jenin);
- Account no. 431387, belonging to Na'if Abu Sharakh (head of Fatah/Tanzim in Nablus);
- Account no. 579639, belonging to Ibrahim Mustafa Ibrahim Abu Shaduf of Jenin (father of suicide bomber member of the Palestinian Islamic Jihad); and
- Account no. 36972, belonging to Tahaani Muhammad Mahmoud Manameh from the Gaza Strip (the wife of a senior Hamas operative who was killed in May 2001).

50. The United States Government has alleged that the Treasurer of PIJ, Mohammed Tasir Hassan Al-Khatib, held a bank account at the Riad Al Sulh Branch of the Arab Bank in Beirut, Lebanon.

51. Operatives of PIJ within the United States wire-transferred $102,872.00 to the Arab Bank account of the PIJ Treasurer on February 7, 1994. *See United States v. Sami Amin Al-Arian, et al.*, Case No. 8:03-CR-77-T-30TBM (M.D. Fla.), Superseding Indictment (Dkt. #636, Sept. 21, 2004), at 33.

52. Sheikh Yusuf Al-Qaradawi, a leading Islamic cleric in the Middle East whose *fatwas*, or religious edicts, have been adopted by Hamas and PIJ among others, has issued *fatwas* sanctioning the use of

suicide bombings both by men and women against the people of Israel as a permissible activity in Islam. Qaradawi has stated, "These operations [suicide bombings] are among the most respectable forms of Jihad. This legitimate terror is allowed by the Qur'an."

53. In addition to issuing *fatwas* sanctioning the use of suicide bombings in a campaign of terrorism against the people of Israel, Qaradawi helped found and currently heads an organization known as the Coalition of Benevolence [in Arabic, "I'talaf Al-Khair"]. This organization is comprised of a number of charities throughout the world that have been implicated specifically with Hamas including, among others, the Palestinian Relief and Development Fund – Interpal in the United Kingdom (which has been designated as a Specially Designated Global Terrorist Entity by the United States based on its relationship with Hamas), the Comitè de Bienfaisance et de Secours aux Palestinien ("CBSP") in France, the Al-Aqsa Foundation in Germany, the Netherlands, and Belgium, and Al-Quds Fund for Humanitarian Services in Canada. The Coalition of Benevolence is a product of the 101 Days Campaign initiated by a number of Hamas front organizations in the Middle East, Europe, and North America.

54. A Hamas-affiliated website has called for donations to "Al-Aqsa and the brothers in Palestine" through organizations around the world including Interpal, Al-Aqsa Foundation, and CBSP – all members of Qaradawi's coalition. The website also requested donations to be deposited in the account of the "101 days organization" at the Arab Bank's branch in Lebanon. Furthermore, the 101 Days Campaign published a request on its official website that visitors to its website donate to the organization through its accounts in any branch of the Arab Bank. As stated in French

publications in July 2003, the CBSP also holds an account in the Arab Bank.

55. Furthermore, members of the coalition have transferred money to the accounts held by the Humanitarian Relief Association (the "HRA") in the West Bank branch of the Arab Bank. The HRA, a charitable organization registered and located in Israel, was formed by the Islamic Movement in Israel. Both the HRA and the leaders of the Islamic Movement have been indicted in Israel and are accused of conspiring "to aid and hold funds for an unlawful organization" – Hamas. The Supreme Court of the State of Israel has affirmed that the HRA's activities with the Arab Bank encouraged the creation of a home front for the support of terrorist attacks, including suicide bombings and other murderous attacks, perpetrated by Hamas.

56. In addition, Arab Bank maintained accounts for organizations affiliated with terrorist organizations including, but not limited to:

Branch	Account No.	Name on Account	Associated Terrorist Organization
Jenin	581345	Jenin Charitable Society	Hamas
Nablus	400271	Nablus Al-Tadamun Charitable Society	Hamas
Nablus	400336	Nablus Islamic Aid Committee	Hamas
Qalqiliya	542042	Al-Qur'an wa al-Sunnah Society Qalqiliya	Hamas
Tulkarem	500010	Tulkarem Charitable Society	Hamas
Tulkarem	503375	Tulkarem Charitable Society	Hamas
Nablus	445444	Al-Lod Charitable Society	Hamas
Nablus	400415	Social Center, Rehabilitation Committee, Al-Wafaa' Building Charitable Society	Hamas
Qalqiliya	540939	Qalqiliya Charitable Society	Hamas
Nablus	400739	Tubas Charitable Society	Hamas
Ramallah	666473	Jama'ah al-Islamiya	Hamas
Al-Manara-Qalqiliya	610686	Ramallah Charitable Society	Hamas
Al-Bireh	649611	Al-Bireh Al-Islah Society	Hamas
Bethlehem	717520	Bethlehem Elehasan Society	Hamas
Bethlehem	709966	Bethlehem Society for Orphans	Palestinian Islamic Jihad
Hebron	760376	Hebron Young Muslims' Society	Hamas
Hebron	750049	Hebron Young Muslims' Society	Hamas
Hebron	751100	Hebron Young Muslims' Society	Hamas
Bethlehem	713392	Zakat Committee Dehaishe Refugee Camp	Hamas
Hebron	751542	Hebron Elehasan Society	Hamas
Bethlehem	711161	Al-Islah Charitable Society	Hamas
Al-Bireh	609509	Al-Huda Society – Ramallah	Hamas
Gaza	124109	Central Islamic Society – Gaza Strip	Hamas
Ramal	100208	Charitable and Children's Mercy Society – Gaza Strip	Hamas
Gaza	10188	House of the Qur'an and Sunnah Society	Hamas
Ramal	100605	Trusteeship for the Care of the Aged Society	Hamas
Ramal	100541	Al-Ansar Society	Identified with Iran
Ramal	120655	Al-Ansar Society	Identified with Iran
Gaza	3683	The Islamic Society	Hamas
Gaza	365459	The Al-Nur Prisoner Society	Hamas
Khan Yunis	2001438	Khan Yunis Charity and Mercy Society	Hamas
Gaza	5858	Nusseirat Islamic Society	Hamas
Gaza	1503	Khan Yunis Charitable Society	Hamas
Gaza	35287	Gaza Charitable Society for the Sick	Hamas
Gaza	3155	The Islamic University – Gaza	Hamas
Khan Yunis	200139	Qarara Islamic Society	Hamas
Gaza	15115	Jabalia Islamic Society	Hamas
Rafah	2036	Rafah Islamic Society	Hamas
Azariya	302656	Azariya Society for the Fostering of Women	Hamas
Gaza	39435	Nur Al-Ma'rifah Society	Hamas
Jenin	578669	Jenin Elehasan Society	Palestinian Islamic Jihad

57. The website of Al-Ansar (a designated Hamas charity front) helpfully explains that:

> The Director General of the Al-Ansar Charitable Society and the person in charge of the portfolio for the care of the martyrs at the Society's website said that the Society has furnished the management of the Arab Bank with lists of names of the martyrs and the families of the entitled beneficiaries, in order to pay the monies to which the martyrs are entitled.

58. Al-Ansar maintains an account with the Arab Bank in Gaza.Arab Bank provides financial services to agents of Hamas by maintaining bank accounts for the following Specially Designated Global Terrorist Entities affiliated with Hamas:

(1) The Association de Secours Palestinien (ASP) – Arab Bank, Zurich

(2) Commite de Bienfaisance et de Secours aux Palestiniens (CBSP) – Arab Bank, Paris

(3) Palestinian Association in Austria – Arab Bank, Paris

59. Defendant Arab Bank has also knowingly laundered funds for the Holy Land Foundation for Relief and Development ("HLF"), a Texas based "charity" which has raised funds in the United States for Hamas for more than a decade. Arab Bank, in turn, channeled tens of thousands of dollars for HLF through its New York branch to the Ramallah Charitable Committee, the Tulkarem Charity Committee and the Charitable Society of Hebron, all agents of Hamas.

60. On March 15, 1996, a feature article in *The New York Times* detailed the financing of Hamas by so-called charitable organizations. The article specifically discussed Israeli government claims that HLF was a "key fundraising operation" for Hamas.

61. On May 6, 1997, the government of Israel designated HLF as a Hamas front organization and declared that HLF "deals in the practice of transferring monies to families of Hamas activists, who carried out deadly attacks . . . ."

62. Arab Bank nonetheless claims to have a "highly professional relationship" with Israeli authorities.

63. On September 25, 1997, the Palestinian Authority closed what it identified as 16 Hamas institutions and associations. HLF's Gaza office was one of the entities (temporarily) closed by the Palestinian Authority. The closure, including identification of HLF as a targeted Hamas entity, was detailed in a *Jerusalem Post* news account on September 28, 1997.

64. HLF and its officers have been criminally indicted in the United States District Court for the Northern District of Texas for providing material support to a designated Foreign Terrorist Organization (Hamas) – including for specific transactions involving payments made by HLF to the Ramallah Charitable Committee, Tulkarem Charitable Committee, and the Islamic Charity Society of Hebron.

65. The indictment specifies particular financial transactions initiated by HLF which resulted in monetary transfers to the Ramallah Charitable Committee, Tulkarem Charitable Committee, and the Islamic Charity Society of Hebron which violate 18 U.S.C. §2339B.

66. On January 10, 2001 a federal district court in Illinois rendered a decision declining to grant a motion to dismiss in a case initiated by the parents of David Boim, who was killed by a Hamas terrorist in 1997. The Boims had sued, among others, HLF, for providing material support to Hamas, a designated Foreign Terrorist Organization.

67. Nonetheless, Arab Bank continued to deposit HLF fund transfers and credit the Arab Bank account of the Ramallah charitable front *even after* the *Boim* case placed the defendant on further notice of HLF's criminal activities.

68. Similarly, the New York branch of the Arab Bank has facilitated the transfer of significant sums to the Tulkarem Charitable Committee and other agents of Hamas despite the fact that in some cases both the "donor" of the funds as well as the recipient had been previously formally designated as "Unlawful Organizations" by the government of Israel.[6]

69. Moreover, following the Israeli army's military operations in the spring of 2002, the government of Israel obtained and subsequently disclosed extensive materials (most of them available on the internet) demonstrating the Tulkarem Charitable Committee's connections to Hamas and the Islamist movement.

70. Nonetheless, Arab Bank and its New York branch continue to convert substantial sums of money and forward tens of thousands of dollars from New

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[6] One of the signatories on the Tulkarem Charitable Committee account is Ammar Tawfiq Ahmad Badawi, a prominent member of the Muslim Scholars Association who was a signatory on the infamous *Fatwa* – or Islamic religious ruling – declaring that suicide bombings are permitted by Islamic law. Mr. Badawi is a leading figure in Hamas.

York to the Tulkarem account of the Tulkarem Charitable Committee at the Arab Bank and to other known Hamas fronts.

71. The charitable front organizations play a central role in financing the terror campaign by providing the means of raising funds to maintain the institutions that serve as recruiting grounds for terrorist organizations.

72. As set forth in an internal Hamas memorandum recently captured by the Israeli army during a raid of the offices of the Hebron Charitable Committee, Hamas has arranged for the "transfer [of] large sums" to the charitable committee and other Hamas front organizations through the "charity activities" of their operatives abroad.

73. The memorandum emphasizes that Hamas "require[s] new bank account numbers for money transfers" and promises that the Hamas will:

> invest efforts to transfer money for the martyrs (the shahids) and prisoners, via the transfer [to] charitable institutions. This is a primary goal in the framework of the effort to transfer aid money to these institutions, so that these budgets are released in the best manner and in order to bring about an improvement in the level of the movement's performance.

74. The memorandum concludes with the promise that Hamas will continue to "build up the activities and operations" of its front organizations by, among other things, "***taking advantage of the conditions and the atmosphere of death***."

75. The financial support provided by the Saudi Committee via the Arab Bank as well as the accounts maintained by the terror organizations' charitable fronts constitutes the backbone of the donor base and operational budgets of Hamas and the PIJ, and has allowed them to expand their operations, attract more recruits, and professionalize their financial distribution channels.

76. Each of these front organizations officially holds itself out to the public as a charitable organization with a purely humanitarian and benign purpose. In fact, however, the primary mission of these organizations is to raise and launder funds for terrorist organizations and otherwise to coordinate and conduct activities that are essential to the conduct of terrorist operations and to the material support of terrorist operations.

77. Funds raised by the charitable front organizations are fungible and are allocated in part to terrorist activities or used to free up other funds that are then allocated for terrorist activities.

78. In addition to the Saudi Committee's plan, contributions from individual and corporate sponsors abroad are primarily made to the charitable front organizations. The front organizations make those contributions available to Hamas and the PIJ in accordance with the instruction of their leaders. These organizations then disburse a percentage of the funds they receive from their front organizations to purchase weapons and explosive materials, to recruit and train operatives and otherwise to plan and carry out terrorist attacks.

II. Standards Applicable To Financial Institutions, Including Arab Bank

79. The statutory and regulatory duties incumbent upon financial institutions operating in the United States are set out in the Bank Secrecy Act ("BSA")[7] and the regulations appertaining thereto. Other applicable industry standards support and clarify the duties of financial institutions.

80. The BSA and the BSA regulations that the Department of Treasury ("Treasury") has issued apply to all financial institutions and specifically apply to banks. A principle purpose of the BSA is to require financial institutions to maintain appropriate records and file certain reports which are particularly useful in investigating and uncovering money laundering, drug activities, terrorism and other illegal activities.

81. The BSA requires financial institutions operating in the United States, and their directors, to undertake a number of anti-money laundering ("AML") efforts to ensure that financial institutions do not become conduits for terrorist financing or criminal proceeds, or facilitators of money laundering. Key provisions require financial institutions and their directors to establish AML programs that include explicit written policies and procedures which are approved by the banks directors with a notation of such approval in

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[7] Titles I and II of Public Law 91-508, Oct. 26, 1970, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311 et seq; Money Laundering Control Act (1986), 18 U.S.C. 1956; The Money Laundering Prosecution Improvements Act, 31 U.S.C. 5312, 5321; The Annunzio-Wylie Anti-Money Laundering Act (1992) (Pub.L. 102-550, Title XV, Oct. 28, 1992, 106 Stat. 4044), 31 U.S.C. 5318(h); The Money Laundering and Financial Crimes Strategy Act (1998), 31 U.S.C. 5341(b) and 5342(b).

the minutes of the directors' meetings, to designate a qualified bank employee as the BSA compliance officer with day-to-day responsibility for all aspects of the compliance program, to train employees, to establish an internal audit function, to verify the identity of persons seeking to open and maintain accounts (often termed "Know Your Customer" requirements), and to file reports identifying suspicious activities and currency transactions greater than US$10,000 to guard against money laundering.

82. In addition to the BSA requiring financial institutions to implement AML procedures, international standards applicable to the financial services industry would similarly require implementation and enforcement of AML procedures. To the extent that the United States has accepted membership or agreed to implement standards or principles of any organization promulgating such standards or principles, the standards or principles are requirements for financial institutions to conduct business in the United States.

83. One example of such international standards comes from the Financial Action Task Force ("FATF"). The FATF is an intergovernmental body originally established by the 1989 Paris G-7 Summit to develop and promote standards and policies to combat money-laundering. The FATF includes 31 countries and two international organizations, including the major financial center countries of Europe, North America and Asia.

84. In April 1990, and updated in 1996 and 2003, the FATF issued a set of Forty Recommendations that established a minimum for international AML standards and that has been endorsed by more than 130 countries. In October 2001, the FATF dealt specifically

with terrorist financing by establishing a set of Eight Special Recommendations on Terrorist Financing, complementary to the Forty Recommendations. In particular, SR IV recommends that banks that "suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organisations," are required to report their suspicions to the proper authorities. The FATF Forty and the Eight Special Recommendations have been recognized by the International Monetary Fund and the World Bank as the international standards for combating money laundering and the financing of terrorism.

85. Among the FATF's 40 Recommendations regarding AML laws is Recommendation 15, recommending the following:

> 15. Financial institutions should develop programmes against money laundering and terrorist financing. These programmes should include:
>
> (a) the development of internal policies, procedures and controls, including appropriate compliance management arrangements, and adequate screening procedures to ensure high standards when hiring employees;
>
> (b) an ongoing employee training programme
>
> . . . .

86. Financial institutions must ensure that appropriate bank personnel are trained in all aspects of the regulatory requirements of the BSA and the banks internal BSA compliance and AML policies and procedures. According to the *Bank Secrecy Act/Anti-Money Laundering Comptroller's Handbook, September 2000,*

at 6-7, an effective training program includes provisions to ensure that:

- All bank personnel, including senior management, who have contact with customers (whether in person or by phone), who see customer transaction activity, or who handle cash in any way, receive appropriate training. Those employees include persons involved with branch administration; customer service; lending; private, or personal banking; correspondent banking (international and domestic); trust; discount brokerage; funds transfers; safe deposit/custody; and vault activities.
- Training is ongoing and incorporates current developments and changes to the BSA, anti-money laundering laws, and OCC and FinCEN regulations. New and different money laundering schemes involving customers and financial institutions should be addressed. It also should include examples of money laundering schemes and cases, tailored to the audience, and in ways in which such activities can be detected or resolved.
- Training focuses on the consequences of an employee's failure to comply with established policy and procedures (e.g., fines or termination). Programs should provide personnel with guidance and direction in terms of banking policies and available resources.

87. **"Know Your Customer" standards must be met.** At all relevant times, the standard within the

financial institution industry has been to have "Know Your Customer" practices to insure the immediate detection and identification of suspicious activity. *(BSA Manual Section 601.0 (September 1997), at 1.)* In a 1988 Statement of Principles, the Basel Committee stated the following principle regarding the "Know Your Customer" policy:

> "With a view to ensuring that the financial system is not used as a channel for criminal funds, banks should make reasonable efforts to determine the true identity for all customers requesting the institution's services."

(Basel Committee, Prevention of Criminal Use of the Banking System for the Purpose of Money-Laundering, Statement of Principles (December 1988), reprinted in BSA Manual, Section 1501.0 (September 1997), at 3.)

88. In addition to identifying a customer, an integral part of an effective "Know Your Customer" policy is a comprehensive knowledge of the transactions carried out by the customers of the financial institution. Therefore, the "Know Your Customer" procedures established by the institution must allow for the collection of sufficient information to develop a "customer profile." The primary objective of such procedures is to enable the financial institution to predict with relative certainty the types of transactions in which a customer is likely to be engaged. The profile should allow the financial institution to understand all facets of the customer's intended relationship with the institution, and, realistically, determine when transactions are suspicious or potentially illegal. *(BSA Manual Section 601.0 (September 1997), at 2.)*

89. **Due Diligence is necessary when opening and maintaining accounts.** According to the Wolfsberg AML principles[8], global anti-money laundering standards and guidelines established by the world's largest banks, a "bank will endeavor to accept only those clients whose source of wealth and funds can be reasonably established to be legitimate . . . Mere fulfillment of internal review procedures does not relieve the private banker of this basic responsibility."

90. The Wolfsberg AML principles require that, for all accounts, the bank must exercise the following due diligence principles to identify the principle beneficial owners of an account:

- Natural persons: when the account is in the name of an individual, the private banker must establish whether the client

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[8] The Wolfsberg Group is an association of large global banks that came together in 2000, at the Château Wolfsberg in north-eastern Switzerland, which agreed to a set of global anti-money-laundering guidelines for international private banks. The banks initially involved included ABN AMRO Bank, Barclays Bank, Banco Santander Central Hispano,S.A., The Chase Manhattan Private Bank, Citibank, N.A., Credit Suisse Group, Deutsche Bank AG, HSBC, J.P. Morgan, Société Générale, and UBS AG. The Group's purpose is to develop financial services industry standards for Know Your Customer, Anti-Money Laundering and Counter Terrorist Financing policies. The Wolfsberg Anti-Money Laundering Principles for Private Banking were published in October 2000 (and revised in May 2002). In January 2002, the Group published a Statement on the Financing of Terrorism and, in November 2002, released the Wolfsberg Anti-Money Laundering Principles for Correspondent Banking. The Wolfsberg Group's most recent Statement, on Monitoring Screening and Searching, was published in September 2003. The standards are widely known.

is acting on his/her own behalf. If doubt exists, the bank will establish the capacity in which and on whose behalf the account holder is acting.

- Legal entities: where the client is a company, such as a private investment company, the private banker will understand the structure of the company sufficiently to determine the provider of funds, principal owner(s) of the shares and those who have control over the funds, e.g. the directors and those with the power to give direction to the directors of the company. With regard to other shareholders the private banker will make a reasonable judgment as to the need for further due diligence.
- Unincorporated associations: the above principles apply to unincorporated associations.

91. To meet the due diligence standards established by the Wolfsberg AML principles, banks should meet the client before opening the account and must collect and record the following information about each account: Purpose and reasons for opening the account; Anticipated account activity; Source of wealth (description of the economic activity which has generated the net worth); Estimated net worth; Source of funds (description of the origin and the means of transfer for monies that are accepted for the account opening); and References or other sources to corroborate reputation information where available.

92. The FATF warns that mere financial accounting and auditing might be insufficient protection against the abuse. "Direct field audits of programmes

may be, in some instances, the only method for detecting misdirection of funds. Examination of field operations is clearly a superior mechanism for discovering malfeasance of all kinds, including diversion of funds to terrorists." FATF Task Force on Money Laundering, Combating the Abuse of Non-Profit Organisations," at ¶ 11, p. 3 (October 11, 2002).

93. Non-profit Organizations, particularly those held out as charitable organizations, constitute high-risk accounts warranting enhanced due diligence and scrutiny, because the mechanism of charitable fund-raising has, "in numerous instances . . . been used to provide a cover for the financing of terror." FATF on Money Laundering, "Combating the Abuse of Non-Profit Organisations: International Best Practices," at ¶ 4, p. 1 (October 11, 2002).

94. Although "[j]urisdictions may differ on the scope of purposes and activities that are within the definition of 'charity,' . . . all should agree that ['charity'] does not include activities that directly or indirectly support terrorism, including actions that could serve to induce or compensate for participation in terrorist acts." FATF, "Combating the Abuse of Non-Profit Organisations: International Best Practices," at ¶ 5, p. 2 (October 11, 2002).

95. The misuse of non-profit organizations for the financing of terrorism has been a crucial weak point in the global struggle to stop such funding at its source. This issue has captured the attention of the Financial Action Task Force (FATF), the G7, and the United Nations, as well as national authorities in many regions. FATF on Money Laundering, "Combating the

Abuse of Non-Profit Organisations: International Best Practices," at ¶ 1, p. 1 (October 11, 2002).

96. The FATF recognizes that the importance of requiring charitable fund-raising and transfer of funds to go through formal or registered channels underscores the benefit of enlisting the established powers of the bank regulatory system – suspicious activity reporting, know-your-customer (KYC) rules, etc – in the fight against terrorist abuse or exploitation of non-profit organisations. FATF on Money Laundering, "Combating the Abuse of Non-Profit Organisations: International Best Practices," at ¶ 21, p. 5 (October 11, 2002).

97. Recommendation VIII of the FATF Special Recommendations on Terrorist Financing provides:

> Countries should review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. Non-profit organisations are particularly vulnerable, and countries should ensure that they cannot be misused:
>
> (i) by terrorist organisations posing as legitimate entities;
>
> (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; and
>
> (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.

98. Offering guidance regarding the process of determining when increased scrutiny is necessary, the Financial Action Task Force has recommended the

following in its Guidance for Financial Institutions in Detecting Terrorist Financing:

> Determining when increased scrutiny is necessary?
>
> 7. Financial institutions are encouraged to develop practices and procedures that will help to detect and deter those transactions that may involve funds used in terrorist financing. The increased scrutiny that may be warranted for some transactions should be seen as a further application of the institution's due diligence and anti-money laundering policies and procedures and should lead, when appropriate, to reporting of such financial activity as suspicious or unusual under applicable transaction reporting regimes for a particular jurisdiction.
>
> . . .
>
> [Financial institutions] should ascertain whether transactions are unusual, suspicious or otherwise indicative of criminal or terrorist activity.
>
> *[FATF Guidance for Financial Institutions in Detecting Terrorist Financing, at 2-3.]*

99. The FATF cautions that the methods terrorists use to secure funds are generally the same as other criminals engaged in money-laundering schemes:

> Laundering of terrorist related funds
>
> 15. From a technical perspective, the methods used by terrorists and their associates to generate funds from illegal sources differ little from those used by traditional criminal

> organisations. [. . .] It follows then that terrorist groups must similarly find ways to launder these funds in order to be able to use them without drawing the attention of authorities. In examining terrorist related financial activity, FATF experts have concluded that terrorists and their support organisations generally use the same methods as criminal groups to launder funds. Some of the particular methods detected with respect to various terrorist groups include: cash smuggling (both by couriers or bulk cash shipments), structured deposits to or withdrawals from bank accounts, purchases of various types of monetary instruments (travellers' cheques, bank cheques, money orders), use of credit or debit cards, and wire transfers. There have also been indications that some forms of underground banking (particularly the hawala system) have had a role in moving terrorist related funds.
>
> *[FATF Guidance for Financial Institutions in Detecting Terrorist Financing, at 5.]*

100. Notwithstanding these standards and guidelines requiring increased scrutiny and due diligence to prevent non-profit organizations, or alleged charitable organizations, from being used as a cover for terror financing, Arab Bank nonetheless facilitated the banking needs for each of the organizations identified in paragraphs 38-43, 47, and 50-52, becoming a conduit for terrorist financing, despite knowledge that each of the organizations was being used, abused, misused, or exploited to aid, abet, facilitate and otherwise support Hamas, PIJ, AAMB, and PFLP in committing terrorist acts.

101. **Enforcement is required**. Pursuant to the Bank Secrecy Act, 31 U.S.C. §§ 5311 to 5324, the Secretary of the Treasury has prescribed regulations governing financial institutions' obligations to report certain currency transactions. 31 U.S.C. § 5313. In prescribed circumstances, financial institutions, including the defendants, must file Suspicious Activity Reports (Treasury Department Form 90-22.47), pursuant to section (a) of 31 CFR § 103.18 (Treasury), 12 CFR 21.11 (OCC), 12 CFR §§ 208.60 and 208.62 (Federal Reserve), 12 CFR §§ 353.1 and 351.3 (FDIC) and 12 CFR § 563.180 (OTS) and Currency Transaction Reports (IRS Form 4789), pursuant to 31 CFR § 103.22.

102. Banks must have a written policy on the identification of and follow-up on unusual or suspicious activities. Some examples of unusual or suspicious activities may include:

- Account transactions or other activities which are not consistent with the customer's business or the account's due diligence file;
- Cash transactions over a certain amount;
- Account transactions or other activities that seek to avoid reporting or record keeping requirements;
- Wire, pass-through, and in-and-out transactions

103. Following the September 11th attacks far greater terrorist financing legislation was enacted. As President Bush stated "[w]e put the world's financial institutions on notice: if you do business with

terrorists, if you support them or sponsor them, you will not do business in the United States of America."[9]

104. Arab Bank, acting in accordance with these banking regulations knew that accounts opened within its branches were being used to fund suicide bombing attacks in Israel sponsored and facilitated by Hamas, PIJ, AAMB, and PFLP who, in turn, engaged in suicide bombings and other murderous attacks in Israel. Moreover, as is discussed in greater detail below, Arab Bank engaged in correspondence with known members of Hamas wherein the bank was instructed to send payments to the families of suicide bombers. Arab Bank Board members and officials publicly called for donations and contributions to the Palestinian Intifada knowing that some portions of those funds would be used to encourage, support, and facilitate suicide bombing and other murderous attacks.

105. On February 24, 2005, the Office of the Comptroller of Currency (OCC) after beginning its investigation of the practices of Arab Bank's New York office entered into a Consent Order with the bank after it identified deficiencies in the Branch's internal controls, particularly in the area of Bank Secrecy Act and Anti-Money Laundering compliance.

III. Historical Background

Origins of Palestinian Terror

106. Almost since the formation of the State of Israel in 1948, Palestinian paramilitary and terrorist organizations have sought to destroy it, through, inter

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[9] Remarks of President George W. Bush in his address to the Financial Crime Enforcement Network in Vienna, Va., Nov. 7, 2001.

alia, the systematic murder of Jews and other civilians in Israel. In December 1987, a collective Palestinian popular uprising – or *intifada* – erupted against Israel in the West Bank and in Gaza. The *intifada* developed into a well-organized rebellion orchestrated by the Palestinian Liberation Organization ("PLO") from its headquarters in Tunis. A second Palestinian *intifada*, which erupted in late September 2000, engulfed Palestinians and Israelis in violent armed conflict that continues to this day. It is popularly called the Al Aqsa Intifada or the Intifada Al Quds.

107. Each *intifada* was characterized by systematic and widespread terror campaigns designed not only to kill Jews and Israelis, but to intimidate and coerce the civilian population of Israel, to cause Israel to cede territory to the Palestinians and ultimately, to destroy the Jewish state.

108. With the outbreak of the second *intifada*, Hamas and other Palestinian terrorist organizations – notably PIJ, AAMB, and PFLP – intensified the terror campaign of widespread and systematic suicide bombings and other murderous attacks within Israel, the West Bank and Gaza.

109. Like Hamas, PIJ, AAMB, and PFLP are similarly committed to the destruction of the State of Israel. According to some estimates, attempted attacks have numbered approximately 21,000 and have targeted Jews, other civilians and those in innocent proximity, resulting in the death and injury of thousands of individuals, an overwhelming majority of which are civilians.

110. Hamas, PIJ, AAMB, and PFLP rewarded these suicide bombings and other murderous attacks and provided incentives for future acts by financially

subsidizing family members of suicide bombers and other terrorist operatives who were killed, injured and imprisoned, and by ensuring that the families of such "martyrs" were revered in the community.

111. Palestinians terrorist organizations have long used the financial support of "martyrs", including suicide bombers, as a key inducement to terror. Ibrahim al-Yazuri, an original participant in the founding of Hamas, explained in a London newspaper interview: "The Hamas movement is concerned about its individuals and its elements, especially those who engage in the blessed *jihad* against the hateful Israeli occupation . . . . The movement takes care of their families and their children and provides them with as much material and moral support as it can . . . . The movement provides this aid through the support and assistance it gives to *zakat* committees and the Islamic associations and institutions in the Gaza Strip." According to the late Hamas leader Sheikh Ahmed Yassin, Hamas, as of 2001, distributed $2 to $3 million each month to relatives of Palestinian suicide bombers.

Hamas

112. Harakat al-Muqawamah al-Islamiyya is Arabic for "The Islamic Resistance Movement" and is known by its acronym of Hamas. Hamas is a terrorist organization based in the West Bank and Gaza Strip that is well-known throughout the World. It has been targeted as an institution of terror and consequent genocidal conduct since the early 1990's.

113. Hamas was founded by Sheikh Ahmed Yassin in 1987. In August 1988, Hamas published its charter called the Covenant of the Islamic Resistance Movement which states that the purpose of Hamas is to create an Islamic Palestinian state throughout Israel

by eliminating the State of Israel and its citizenry and innocent bystanders through *violent jihad*. This charter was distributed throughout the Occupied Territories, Jordan, the Middle East and throughout the World first in booklet form and, with the advent of the Internet, *via* this medium.

114. The charter states that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it." The charter sets forth Hamas' slogan:

> "Allah is its target, the Prophet is its model, the Koran its constitution: *Jihad is its path and death for the sake of Allah is the loftiest of its wishes*."

115. Hamas condemns all peaceful solutions to the Palestinian Israeli conflict. "Initiatives and so-called peaceful solutions and international conferences, are in contradiction to the principles of the Islamic Resistance Movement . . . .There is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors."

116. Hamas achieves its goals through a military and a social wing. The military wing, called Izz el-Din al-Qassam Brigades, carries out suicide bombings and other murderous attacks within Israel, the West Bank and Gaza. These attacks target civilians and have resulted in deaths and injuries to hundreds of individuals including Plaintiffs in this action who number in excess of 600 individuals as of this filing. The number of those killed or maimed or injured since September of 2000 is estimated to exceed 20,000.

117. As the Israeli Supreme Court noted in its opinion regarding the appeal of Sheikh Ra'ed Salah:

> "The modus operandi of the organization [known as] Hamas, as described by professional opinion and [demonstrated by] the evidence, shows that its civilian activities provide an infrastructure for its terrorist activities by supporting, reinforcing and encouraging them . . . transferring funds to support the families of suicide bombers and security detainees can certainly be considered an incentive and encouragement for the perpetrating of lethal terrorist attacks and has nothing in common with ordinary religious behests to contribute to the welfare of the needy and indigent, which the complainant [sheikh Ra'ed Salah] and his representatives would like to use to camouflage their actions."

(*Sheikh Raed (Bin Salah) Mahajneh v. State of Israel*, Supreme Court of Israel, Case No. 7223/03, page 7 paragraph 5 (August 18, 2003)).

118. Hamas' social wing, called *Dawa*, provides food and educational assistance to religious and academic institutions which facilitate the teachings of Hamas. The social wing of Hamas is responsible for instilling a fundamentalist ideology at an early age in order to recruit suicide bombers, and "instill the spirit of jihad in the heart of the nation."

119. In a July 31, 2001, Reuters article, Abdel-Aziz al-Rantissi, a senior Hamas official and spokesman stated, "The (Hamas) political leadership has freed the hand of the brigades to do whatever they want against the brothers of monkeys and pigs." The term "brigades" refers to the group's military wing, Izz el-Din

al-Qassam brigades. Rantissi further stated, "I urge all the brigades to chase and target the Israeli political leaders and members of parliament, the killer (Prime Minister Ariel) Sharon and the criminal (Foreign Minister) Shimon Peres."

120. The charter states that it is "necessary that scientists, educators and teachers, information and media people, as well as the educated masses, especially the youth and sheikhs of the Islamic movements, should take part in the operation of awakening (the masses)." The charter calls for basic changes to the school curriculum, to cleanse it of traces of the ideological invasion . . . of the Crusaders . . . ."

121. The ideological affect on young children cannot be overstated. It has been widely reported that Hamas recruits children to conduct suicide bombing attacks.

122. An August 13, 2001 *USA Today* article describes how Hamas' social infrastructure, in this case Hamas-run schools, serve Hamas' ends:

> In Hamas-run kindergartens, signs on the walls read: "The children of the kindergarten are the shaheeds (holy martyrs) of tomorrow." The classroom signs at Al-Najah University in the West Bank and at Gaza's Islamic University say, "Israel has nuclear bombs, we have human bombs." At an Islamic school in Gaza City run by Hamas, 11-year-old Palestinian student Ahmed states, "I will make my body a bomb that will blast the flesh of Zionists, the sons of pigs and monkeys . . . I will tear their bodies into little pieces and cause them more pain than they will ever know." "Allah Akbar," his classmates shout in response: "God is great." "May the virgins

> give you pleasure," his teacher yells, referring to one of the rewards awaiting martyrs in paradise. Even the principal smiles and nods his approval. "You don't start educating a shaheed at age 22," says Roni Shaked, a terrorism expert and former officer in Israel's Shin Bet secret service. "You start at kindergarten so by the time he's 22, he's looking for an opportunity to sacrifice his life."

123. In 1995, the U.S. government named Hamas a "Specially Designated Terrorist" entity, at which time its assets subject to U.S. jurisdiction were blocked by Executive Order 12947 and implementing regulations. The Executive Order prohibits transactions, including financial transactions, with organizations and individuals so designated. This designation was well-known by Arab Bank and by all financial institutions. Former Hamas Political Bureau Chief and current Deputy Chief Mousa Abu Marzook was designated as a Specifically Designated Terrorist on August 29, 1995.

124. On October 8, 1997, Hamas was designated a Foreign Terrorist Organization by the U.S. Secretary of State pursuant to 8 U.S.C. § 1189, by publication in the Federal Register. It became unlawful to provide material support and resources, including currency or monetary instruments, financial services, personnel, transportation and other provisions, to any component of Hamas.

125. The designation of Hamas was a public event well-known to the entire banking community including Arab Bank. On October 12, 1997, the Jordanian newspaper *AZ-Ra'y* listed the designation of Hamas as a foreign terrorist organization.

126. Arab Bank provided financial services and direct financial contributions to Hamas knowing that Hamas was listed in as a Specially Designated Terrorist entity in 1995, as a designated Foreign Terrorist Organization in 1997, and as a Specially Designated Global Terrorist Entity in 2001.

Palestinian Islamic Jihad

127. The Palestinian Islamic Jihad –Shiqaqi Faction ("PIJ") is an international terrorist organization with "cells" or units located throughout the world. PIJ is also known as "the Islamic Movement in Palestine," "The Movement," and "The Family."

128. PIJ published a document describing its organizational structure, goals and principles entitled "Manifesto of the Islamic Jihad in Palestine." The PIJ Manifesto is widely distributed throughout the Occupied Territories, Jordan, the Middle East and the entire world.

129. The Manifesto states that: "The Islamic Jihad Movement in Palestine is a revolutionary 'Jihad' movement embracing Islam as Religion and State (Form of Government). It is the vanguard of the Islamic Revolutionary Movement. The guiding principle or characteristic is that "Jihad is the solution to liberate Palestine and topple the infidel regimes."

130. PIJ, like Hamas, states as its political constant "the rejection of any peaceful solution for the Palestinian Cause, and the affirmation of the Jihad Solution and the Martyrdom style as the only choices for liberation." PIJ's general goals include the "realization of the Islamic unity through Collective Jihad [and] the liberation of the Holy Land from the Zionist occupation."

131. PIJ's Manifesto lists specific means by which it plans to obtain its general goals which include:

- "triggering a continual attrition of the abilities and capacities of the enemy, and striking its economical and financial sources."
- "The creation of a situation of terror, instability and panic in the souls (minds) of Zionists and especially the groups of settlers, and force them to leave their houses."
- "The creation of a psychological barrier between the Jews and the Muslim Palestinian people; and the implementation of a conviction that the coexistence is impossible; and resisting the heralds of the idea of coexistence between Arabs and Israelis."
- "coexistence is impossible; and resisting the heralds of the idea of coexistence between Arabs and Israelis."

132. PIJ even published slogans, such as the following, to entice people to engage in suicide bombings and other murderous attacks:

- Jihad is the way to liberation.
- Jihad is the way to Unity and Union is the way to consolidation.
- Martyrdom awards life.
- The Muslim Populations are the dimension of the Intifada.
- Blood is the dower for Freedom.
- Victory or Martyrdom, the way for Jihad.

133. PIJ also has established Committees including: a Cultural Committee to publish leaflets, booklets and prepare videotapes and audiotapes to spread the message of the Movement; a Financial Committee to collect financial contributions, invest those contributions, and distribute the contributions to "different fields of action;" a Public Relations Committee to be the spokesmen of the Movement and to spread PIJ's message; the Committee for Prisoners and Martyrs to spread money received from abroad to the families of "martyrs" and prisoners.

134. In January 1995, PIJ was listed as a Specially Designated Terrorist Entity ("SDT") by the U.S. Department of Treasury pursuant to Executive Order 12947 prohibiting transactions with groups that threaten to disrupt the Middle East peace process.

135. On October 8, 1997, PIJ was designated a Foreign Terrorist Organization by the U.S. Secretary of State pursuant to 8 U.S.C. §1189, by publication in the Federal Register. It became unlawful to provide material support and resources, to include currency or monetary instruments, financial services, personnel, transportation and other provisions, to any component of PIJ.

136. The designation of PIJ was a public event well-known to the entire banking community including Arab Bank.

137. Arab Bank provided financial services and direct financial contributions to PIJ knowing that PIJ was designated in 1995 as Specially Designated Terrorist entity, as a designated Foreign Terrorist Organization in 1997, and as a Specially Designated Global Terrorist Entity in 2001.

Al-Aqsa Martyrs' Brigade

138. The Al-Aqsa Martyrs' Brigade (Kata'ib Shuhada' al-Aqsa) ("AAMB") acts with the help of senior officers of other elements of the Palestinian Authority's armed entities, the Tanzim and Force 17 who have provided illegal weapons, training and intelligence to help carry out the attacks.

139. The AAMB organized some of the most gruesome terrorist attacks in Israel, especially during the escalation of violence in 2001 and 2002. In that period, the al-Aqsa Martyrs' Brigade increased the level of its cooperation with other terrorist organizations, including Hamas, PIJ and PFLP. A number of bombings and shootings were perpetrated by the AAMB, individually or in partnership with other terrorist groups.

140. AAMB has committed numerous terrorist attacks, including several that have killed and injured American citizens. Since September 2000, AAMB has conducted and taken credit for dozens of murderous attacks, including a pair of January 2003 suicide bombings in downtown Tel Aviv that killed 23 people and injured approximately a hundred others and a string of other attacks that have killed more than 70 civilians and wounded more than five hundred (500) others.

141. On April 2, 2002 Israel made public an invoice that was found among documents taken by Israeli troops in Arafat's Ramallah compound during Operation Defensive Shield. The invoice, titled "Financial Report" and dated September 16, 2001, appears to be a bill to the Palestinian Authority from the AAMB. It requests from Arafat's government payment for, among other things, electrical and chemical components for 30 bombs: "We need about 5-9 bombs a week

for our cells in various areas." The payment was approved.

142. AAMB recruited 15-year-old boys to carry out suicide bombing attacks. AAMB promised the people they recruited for suicide bombings that payments would be made to their families after the attacks were conducted.

143. Zakariyya Muhammad 'Abd Al-Rahman Zubeidi is head of the terrorist infrastructure of AAMB in the Jenin area. In recent interviews with Israeli and foreign media, he has repeatedly stated he regards his orders as holy, and that he will "fight and not stop . . ." Zubeidi also admitted to a BBC correspondent that he had received money from the AAMB (his share of the $50,000 Fatah gives AAMB every month).

144. The terrorist activities and ideology AAMB espouses are well-known throughout the Occupied Territories, Jordan, the Middle East and the world. Its terrorist attacks are widely reported and the group publicly advertises its involvement in terrorist attacks. AAMB publishes information for distribution in the Middle East including the Occupied Territories and Jordan and maintains a website which is available for the world to view.

145. Furthermore, on March 27, 2002, pursuant to the authority of section 1(b) of Executive Order 13224 of September 23, 2001, the Deputy Secretary of State, acting under the authority delegated to him by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, has designated the AAMB (also known as the Al-Aqsa Martyrs Battalion) as a Specially Designated Global Terrorist ("SDGT").

146. On March 27, 2002, pursuant to section 1(a)(ii)(A) of the Executive Order 12947 of January 23, 1995, the Deputy Secretary of State, acting under the authority delegated to him by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General determined that AAMB (also known as the Al-Aqsa Martyrs Battalion) has committed, or poses a serious risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East Peace Process.

147. Arab Bank provided financial services and direct financial contributions to the AAMB knowing that the group was engaged in terrorist acts. This financial support continued even after AAMB was designated as Specially Designated Global Terrorist entity and a Foreign Terrorist Organization.

Popular Front for the Liberation of Palestine

148. The PFLP was founded on December 11, 1967 with the union of two left-wing Palestinian organizations. Its leaders were Wadi' Haddad (who later became responsible for terrorist operations) and George Habash, the general secretary. The PFLP is a Marxist organization which advocates armed insurrection. It perpetrates show-case, media-oriented attacks, particularly the hijacking of planes, to bring the Palestinian cause to public attention.

149. In 1971, under the leadership of Habash, the organization took a more pragmatic line. Nevertheless, the PFLP never agreed to recognize Israel and left the PLO after the acceptance of the "Stage Strategy" (June 1974) as adopted in Cairo by the Palestinian National Council. Although the PFLP continued its pragmatic line, it is still opposed to the Oslo accords and is critical of the Palestinian Authority, despite the

fact that it made its peace with Arafat and returned to the ranks of the PLO.

150. In May 2000, George Habash resigned as general secretary because of failing health and was replaced by Abu Ali Mustafa. Mustafa directed the organization to perpetrate terrorist attacks against Israel. He was killed in a targeted attack on August 21, 2001 in Ramallah and replaced by Ahmad Sadat. Sadat directed the assassination of Rehavam Ze'evi, Israeli Minister of Tourism (October 17, 2001). In the wake of Israeli and international pressure Sadat was arrested by the Palestinian Authority and is today in "custody" in Jericho. The PFLP's political leadership resides in the PA-administered territories and Syria, and a small operational-terrorist wing in the PA-administered territories (the Shaheed Abu 'Ali Mustafa Battalions).

151. During the current violent confrontation the PFLP called for an armed insurrection and perpetrated a number of terrorist attacks despite the fact that its operational-terrorist wing is smaller than those of the other Palestinian terrorist organizations. It is party to the inter-organizational dialogues but refused to participate in the hudna when Abu Mazen was prime minister.

152. In 1995 the PFLP was named a Specially Designated Terrorist Organization pursuant to Executive Order 12947. Two years later in 1997, like Hamas and PIJ, the PFLP was designated as an FTO.

153. Arab Bank provided financial services and direct financial contributions to the PFLP knowing that the group has engaged and continues to engage in terrorist acts. This financial support continued even

after the PFLP was designated as Specially Designated Terrorist entity and an FTO.

154. Arab Bank and its leading shareholders have knowingly supported the terrorist, genocidal, and human rights atrocities described herein.

The Mujahideen Committee and Historical Saudi Support for the *Intifada*

155. The *intifada* has been supported financially through different mechanisms. In recent years, the Kingdom of Saudi Arabia has provided one of the most significant and systematic avenues of support. Historically and as a matter of state policy, the Kingdom of Saudi Arabia has morally, politically and financially supported the *intifada*. The de facto ruler of the Kingdom of Saudi Arabia, Crown Prince Abdullah has stated: "We, in the Kingdom, will not show any slackness in defending our brothers in Palestine led by my brother the *mujahid* [holy warrior], Yasser Arafat." In furtherance of this national policy, following the Arab-Israeli war in 1967, the Kingdom of Saudi Arabia formed the Popular Committee for Assisting the Palestinian Mujahideen (the "Mujahideen Committee") for the express purpose of "assisting the freedom fighters of Palestine," and "extending assistance to members of the families of the martyrs." In February 1994, King Fahd Ibn Abd Al-Aziz issued an updated directive to Prince Salman Ibn Abd Al-Aziz, the Governor of Riyadh who heads the Mujahideen Committee, to support the Palestinians with a national fund-raising campaign in the Kingdom. The Mujahideen Committee provided the Palestinian Liberation Organization with millions of dollars.

156. Terrorist groups interact and support one another in a matrix of international logistical,

financial and sometimes operational terrorist activity. *See*, Matthew Levitt, "The Political Economy of Middle East Terrorism," *Middle East Review of International Affairs*, Vol. 6, No. 4 (December 2002).

157. A task force on terrorist financing, sponsored by the Council on Foreign Relations, recently highlighted this interaction, noting: "[o]ther Islamic terrorist organizations, Hamas and Hizballah specifically, often use the very same methods-and even the same institutions-[as al-Qa'ida] to raise and move their money. And more recently, published reports suggest that al-Qa'ida has formed additional tactical, ad-hoc alliances with these terrorist organizations to cooperate on money laundering and other unlawful activities." *Id; citing,* Maurice R. Greenberg, Chair, "Terrorist Financing: Report of an Independent Task Force Sponsored by the Council on Foreign Relations," The Council on Foreign Relations, October 2002. In fact, while there is no shortage of examples of operational and logistical links between disparate militant Islamist groups, these interactions are most pervasive in the realm of financing.

158. The same global interconnectedness concerning all Islamic terrorist groups is found in the activities of Hamas and PIJ. These groups share the same ideology and methodology to accomplish their purposes. The groups share logistical and tactical information, jointly conduct operations and terrorist attacks, and actively reap the benefits of a financial matrix. As the financial support is given as social or "charitable" donations, distinctions between various groups and their operational, military and political wings are fundamentally flawed.

159. Other Palestinian terrorist groups such as the AAMB and the PFLP, though not Islamic in

orientation, have served to benefit from the financial support that has been fed into the Palestinian territories since the outbreak of the Al-Quds Intifada. Possessing the same ultimate goal as their Islamic counterparts of eradicating the State of Israel, these groups have also engaged in a campaign of suicide bombings and other similarly egregious terrorist attacks against the Israeli civilian population. The families of those involved in these attacks have also received the support of funds emanating from the Arab Bank's coffers.

160. The government of the United States reportedly opposed and condemned the funding of Hamas by Saudi individuals. In 1994, for example, President Clinton reportedly requested that Saudi Arabia stop providing financial support to the Palestinian uprising and to Hamas.

161. In spite of this warning, the Kingdom of Saudi Arabia increased its support for the Palestinian uprising throughout the 1990s and into the new century, and openly and officially supported suicide bombings and other murderous attacks. Beginning in the mid-1990s, the official Saudi religious establishment began blessing suicide bombings and other murderous attacks by Hamas and other Palestinian terrorist organizations. In early May 2002, Saudi Arabia's Minister of Islamic Affairs publicly stated: "[t]he suicide bombings are permitted," adding that "the victims are considered to have died a martyr's death."

162. Arab Bank knew that it was financially supporting terrorist attacks in Israel. Arab Bank assisted its customers by maintaining and facilitating an account dedicated to Hamas, and accounts maintained by Hamas NGO's. Arab Bank knew that individuals in Saudi Arabia were publicly collecting donations for terrorist attacks and Arab Bank provided material

support to terrorist groups by facilitating the transfer of these funds. Through these acts, Arab Bank financially supported genocide and human rights violations by assisting in and facilitating the financial incentivization of terrorism.

IV. The Saudi Committee for Aid to the Al Quds Intifada

163. In order to further encourage, incite and make possible the second *intifada* – including its campaign of systematic suicide bombings and other murderous attacks – the Kingdom of Saudi Arabia in October 2000 established the Saudi Committee for Aid to the Al Quds Intifada ("Intifada Committee"). According to official Saudi sources, the purpose of the Intifada Committee was to support financially, among others, the families and dependents of Palestinian "martyrs."

164. As noted above, the Al Quds Intifada erupted in late September 2000. Almost immediately, the Kingdom of Saudi Arabia intentionally adopted and implemented a national policy decision to support financially the *intifada*. On or about October 9, 2000 King Fahd Ibn Abdul Aziz issued directives to the governors of all administrative regions of Saudi Arabia to gather donations from the public to support the Al Quds Intifada, including through the Intifada Committee, a new entity established by the Saudi government pursuant to Royal Decree # 8636 on or around October 16, 2000. The Intifada Committee was to be headed by Prince Nayef bin Abd Al-Aziz, the Interior Minister of Saudi Arabia and the half-brother of Saudi Crown Prince Abdullah. According to a 2004 U.S. government report, the Intifada Committee "has served as the main conduit for Saudi financial and material aid to the Palestinian territories since its establishment."

165. In late October 2000, the Arab League held an emergency summit in Cairo to discuss the second *intifada*. At the summit, Saudi Crown Prince Abdullah proposed to multilateralize Saudi Arabia's financial support of the second *intifada*. The Crown Prince told the summit: "[o]ur support for our Palestinian brothers should not only be political and moral. It should include all possible [financial] means. Accordingly, we propose the establishment of a special trust under the name of the 'Al Quds Intifada Fund' with a capital of 200 million US dollars. This amount will be allocated to the families and education of the children of the Palestinian martyrs who sacrificed their lives in the struggle . . . . The Kingdom shall contribute 25% of the amount allocated [to the Al Quds Intifada Fund]." The Arab League adopted the Saudi proposal.

166. In a letter dated October 23, 2000, addressed to the Secretary General of the United Nations, the Permanent Representative of Egypt to the United Nations notes: "The Al-Quds Intifadah Fund will have a capital of 200 million dollars to be allocated for disbursement to the families of Palestinian martyrs fallen in the Intifadah and for providing the means necessary for the care and education of their children."

167. The Intifada Committee would thus be capitalized by both government funds and private donations. Whereas official funds from the Saudi and other Arab governments were collected in, among other institutions, the Islamic Development Bank, funds from the private donation campaigns launched in the Kingdom pursuant to royal decree were collected in special dedicated bank accounts in certain commercial banks located in the Kingdom.

168. The private donation campaign was immediately highly successful. In October 2000, the Intifada

Committee collected 150,000,000 Saudi *riyals* (SR) in the Riyadh region alone, according to published reports; and, in November 2000, according to published reports, "Saudi authorities were busy disbursing financial assistance to casualties and relatives of martyrs of the Al Quds Intifada in Palestine." As of early April 2001, according to Saudi Minister of Finance and National Economy Dr. Ibrahim Al Assaf, cash donations from the people of Saudi Arabia to the Intifada Committee exceeded SR 240,000,000, or approximately $64 million.

169. That same month, Saudi state-run television broadcast a "telethon" to benefit the Intifada Committee that included appeals from, among others, senior Saudi officials. That "telethon" reportedly raised over $100 million in donations. In Senate testimony on April 24, 2001, U.S. Secretary of State Colin Powell was asked whether he knew how the $100 million raised in the Spring 2001 telethon for the Intifada Committee was disbursed. He said: "We have seen some indications some of the money . . . would be going to elements of Hamas. So there are some troubling aspects as to how that telethon money would be distributed."

170. Money was transferred from the Saudi institutions and organizations to Chase Manhattan Bank, New York, NY and Citibank, Buffalo, NY then to The Arab Bank in Tulkarem, where it was deposited into the account of the Tulkarem Charity Committee which has been identified with Hamas.

171. Indeed, Dr. Assaf, the Saudi Minister of Finance and National Economy, stated around the time of the "telethon" that the Intifada Committee had pledged SR 20,000 [$5,333] to each Palestinian family that had

suffered from martyrdom. He said that SR 124 million [$33.07 million] had been transferred for this purpose.

172. The web page of the Royal Embassy of Saudi Arabia in Washington contained similar declarations. A March 20, 2001 posting read: "The fund . . . targets the families of victims of the *intifada* (i.e. the perpetrators). The Committee has pledged a sum of $5,333 to each family that has suffered from martyrdom. A total of $33.07 million has been transferred for this purpose, and to provide for the injured." An April 1, 2001 posting read: "Financial assistance is currently being provided to the families of those martyred."

173. In a letter from Hamas to the Arab Summit reprinted in Al Rai Newspaper on March 27, 2001, Hamas writes: "We hope that your decisions include the following . . . Supporting the endurance of the Palestinian people and its Intifadah with money and weapons and forming committees in all the Arab countries to support the Intifadah."

174. In June 2001, Prince Nayef, Saudi Minister of the Interior, chaired the second meeting of the representatives to the Intifada Committee of the regions' governorates in Jeddah. At the meeting, representatives reviewed fundraising campaigns in various regions. Prince Nayef announced that more than SR 160,709,000 had been provided to families of Palestinian "martyrs." According to published reports, he also urged citizens and residents to support the Intifada Committee.

175. In July 2001, according to published reports, Prince Nayef directed the Intifada Committee to distribute SR 5.57 million to, among others, 28 families of "martyrs" and 29 Palestinian charity ("*zakat*") committees. According to published reports, assistance to Palestinian charity committees was undertaken in

coordination with large Saudi-based charities including the Muslim World League (MWL) and the World Assembly of Muslim Youth (WAMY).

176. Prince Nayef further stated: "The [Intifada Committee] will continue to provide direct assistance to the families of Palestinian martyrs and those wounded while resisting the occupation."

177. Accordingly, in April 2002, King Fahd chaired a meeting of the Council of Ministers that reviewed Saudi support for the Al Quds *intifada*. According to Saudi Minister of Information Dr. Fouad Ibn Abdul Salam Al Farsy, the Council of Ministers expressed satisfaction with the support of the Saudi people for the Al Quds *intifada*, citing contributions to the Intifada Committee. At the same time, in connection with the Council of Ministers meeting, another Royal decree was issued to launch a fundraising campaign to support the *intifada*. The fundraising campaign was announced by Saudi Television and Radio, and an eleven-hour telethon was held on Saudi Arabian Television to benefit the Intifada Committee. A statement released in connection with the telethon and fundraising campaign specified that "The [Intifada Committee] will continue to provide direct assistance to the families of Palestinian martyrs and those wounded while resisting the occupation."

178. The money raised by the Intifada Committee in the telethon and from numerous other donations was delivered to Palestinian martyrs and their families, and the families of prisoners, though a process developed in cooperation with Arab Bank.

179. In May 2002, following that "telethon," Mubarak Al Biker, Executive Manager of the Intifada Committee, explained in an English-language press

report in *Arab News* that the Intifada Committee made no distinction in paying families of suicide bombers and families of Palestinians killed by Israel military action.

180. In May 2003, a report issued by the Intifada Committee indicated that the Intifada Committee had raised SR 658,091,218, of which SR 411,181,881 had been spent to support, among others, the families and dependents of Palestinian "martyrs," including suicide bombers, the injured and the imprisoned.

181. The Intifada Committee kept records of its disbursements to the families of Palestinian "martyrs." It maintained personnel in the Palestinian territories to help identify beneficiaries and supervise remittances to families. In some cases, the Intifada Committee's local personnel worked in coordination with organizations in the West Bank and Gaza that were, according to the U.S. Department of Justice, front organizations for Hamas and other Palestinian terrorist groups. In order to insure that only families of "martyrs" received disbursements, the Intifada Committee required beneficiaries to present registration cards to local branches of the Arab Bank to receive remittances and documented each remittance with a unique identifying reference number.

182. The Intifada Committee posted on its website voluminous records relating to its remittances through spring 2002. The Intifada Committee's archived website reveals that the Intifada Committee provided financial support to, among others, the families of approximately 67 Palestinian terrorists who perpetrated attacks against Israeli, U.S. and other civilians from October 26, 2000 through March 20, 2002, including the plaintiffs to this action and their survivors. According to a 2004 U.S. government report: "These

individuals include suicide bombers and gunman who were killed during actual and attempted attacks inside Israel and the Palestinian territories."

183. These documented payments to the families of terrorists incentivized and made possible scores of future terrorist attacks by Palestinian terrorist organizations.

184. One fifteen (15) year old boy who was captured by Israeli soldiers before he was able to blow himself up in a suicide mission at an Israeli checkpoint was asked by a BBC Reporter whether AAMB promised him anything in return for carrying out the attack. The little boy responded: "Of course they did. They told me, once you carry out the operation and the soldiers come and demolish your home, we'll stand by your parents and rebuild your house and give them money."

185. The following chart perfectly illustrates the connexity between the funding and terror attacks in Israel:

YEAR	Terror Attacks Israel (suicide and other bombs)	Popular Committee for Assisting the Mujahideen	Committee for the Al-Quds Intifada & Al-Aqsa Funds	TOTAL
1998	1	3,600,000	0	3,600,000
1999	0	3,490,000	0	3,490,000
2000	4	8,418,348	0	8,418,348
2001	36	9,473,628	14,454,190,000	14,463,663,628
2002	44	266,575,791	350,000,000	616,575,791
2003**	22	7,226,384	720,003,150	727,229,534
TOTALS		298,784,151	15,524,193,150	15,822,977,301

Before Account 98 was opened, very few terrorist attacks occurred in Israel. The tremendous increase in the number of bombings which occurred is directly attributable to the establishment of Account 98

which was crucial to the development of the terrorist infrastructure.

186. Even the sanitized Arabic version of the website continues to state that the committee's activities include: "support of the families of martyrs and wounded, as well as the handicapped, orphans and prisoners, as well as homeowners whose houses were destroyed and landowners whose land was bulldozed, as well as support of a number of Palestinian social institutions and sponsorship of needy families . . ."

187. In practice, the Saudi Committee constitutes a professional fundraising apparatus intended to subsidize the Intifada Al Quds, *i.e.*, to subsidize the Palestinian terror campaign and to bankroll Hamas and the PIJ and their related front organizations in the West Bank and Gaza. These goals are accomplished in two ways, both of which depend on the knowing participation and substantial assistance of the defendant Arab Bank.

188. The first goal is accomplished by providing a comprehensive benefit of $5,316.06 for the families of Palestinian terrorists and guaranteeing payments to terrorists and their beneficiaries whenever a terrorist is killed.

189. This benefit not only provides benefits for specific members of preferred terrorist organizations such as Hamas, but is intended as a benefit available to terrorists belonging to any terrorist organization or to none at all, thereby incentivizing and rewarding *all* terrorists in Israel and eliminating the potential distinctions between terrorist groups, between individual (freelance) terrorists and the more established terrorist cells, and between the secular and radical Islamist terrorist organizations.

190. Through the program administered by Arab Bank, the Saudi Committee paid and transmitted benefits to at least approximately 200 fallen "martyrs" in the first year of its existence alone. As of November 2001, the Saudi Committee paid more than forty-two million dollars ($42,000,000) to terrorists and/or their beneficiaries. According to Arab Bank's Chief Banking Officer, Shukry Bishara, Arab Bank has transmitted $90,000,000.00 to Palestine on behalf of the Saudi Committee to "institutions and individuals alike."

191. Accordingly, the Bank's financial and ideological support for the Second Intifada is a matter of public record and its participation in diligently implementing the terrorist financing scheme is knowing and deliberate.

192. Indeed, in its original website, the Saudi Committee openly declared that its funds were transmitted and distributed to the families of martyrs through local branches of the Arab Bank in Palestine. Although it has since been removed from the internet, the original archived webpage located at www.alquds-saudia.org/indexa.htm provided a list under the caption: "What has been done with your donations?"

193. The website further listed numerous "martyrs" whose cause of death was listed as "suicide attack."

194. Arab Bank makes it possible for the terrorist groups to transcend physical obstacles and to provide an organized and professional distribution system that literally underwrites the terror campaign.

195. The Saudi Committee and local Hamas charitable front organizations have publicly and repeatedly advertised that purpose in both Saudi and Palestinian newspapers, on television and on the Saudi Committee's website, all of which are known to or should be known to Arab Bank and all of which are

calculated to – and do – reach terrorists and potential terrorists. For instance:

- In the February 10, 2001 edition of the Saudi newspaper *Al-Jazirah*, the Saudi Committee published an annual report in which it listed the names of Palestinian prisoners to whom it provided terrorism benefits as well as the names of the Palestinian martyrs (including the names of those killed in suicide bombings) whose families received terrorism death benefits;
- In a November 23, 2001 edition of the Palestinian newspaper, *Al Quds*, the Saudi Committee placed an announcement listing the names of more than 1,000 individuals who had been injured during the Second Intifada or held in Israeli custody and invited them or their families "to go to the branches of the Arab Bank in their places of residence to receive their allocations donated by the Committee . . ."; and
- In a February 18, 2002 advertisement in the Palestinian newspaper *Al Hayyat Al Jedida*, a Hamas charitable front organization in Ramallah announced that the Saudi Committee "requests that the families of the martyrs whose names are listed herein to go to a branch of the Arab Bank in their place of residence to receive the tenth payment offered by the Saudi Committee in the amount of $5,316.06 . . ."

196. In the spring of 2002, around the same time the Israeli Defense Forces (IDF) launched Operation Defensive Shield, a military action in the West Bank

directed against Palestinian terrorists and their supporters, the Intifada Committee ceased updating on its website records relating to remittances to the families of Palestinian "martyrs." As described below, Operation Defensive Shield yielded, among other things, detailed financial records specifying how money from the Intifada Committee was distributed to Palestinian "martyrs" and their families and dependents. The captured records corroborate the records maintained by the Intifada Committee and posted, at one time, on its website.

V. The Banking Channels

Background

197. As noted above, commencing in late 2000, the Saudi government launched a national fundraising effort to encourage Saudi citizens to donate money to support the second *intifada* and its attendant suicide bombings and terror campaign, including specifically through donations to the Mujahideen Committee and the Intifada Committee.

198. A dedicated account known as Account 98 was established at several commercial banks located in Saudi Arabia to accept donations to the Intifada Committee. The following banks located in Saudi Arabia, among others, opened Accounts 98: the Saudi-American Bank, the Saudi-British Bank, the Saudi-Dutch Bank, Saudi-French Bank, National Commercial Bank and Arab National Bank (the "Banks").

199. Certain of the Banks are or were during relevant periods managed by Western joint venture partners.

200. Through Account 98, the Banks collected donations to the Mujahideen Committee and the Intifada

Committee. The web page of the Intifada Committee indicated that donations to the Intifada Committee would be accepted and collected in Account 98. In a statement released in October 2000, Saudi Prince Salman Bin Abdulaziz, the governor of the Riyahd region and the head of the Mujahideen Committee, identified certain of the Banks as sponsors of Account 98, encouraged citizens to deposit donations in Account 98 and noted that it would be possible to do so at branches of these banks. According to published accounts, the SR 150,000,000 raised in October 2000 alone to support the Intifada Committee "was deposited in the unified account number 98."

201. In this manner, the Banks collected donations in support of the Intifada Committee. Widespread publicity surrounded efforts to raise private donations for the Intifada Committee, including, as described above, television and newspaper accounts (including, as early as February 2001, newspaper accounts that listed the names of Palestinian prisoners and the names of Palestinian "martyrs" who received financial benefits), along with at least two fundraising "telethons" on Saudi state-run television.

202. During this period, the Banks transferred or caused to be transferred Account 98 funds to, among other places, concentration accounts at National Commercial Bank, whose longstanding controlling family, the Bin Mahfouz family, has reportedly and allegedly directly or indirectly sponsored, aided, abetted and encouraged international terrorism.

The Distribution Process

203. Once collected, transferred and concentrated in this manner, such funds were delivered to their

intended beneficiaries through a structured financial path:

- The Intifada Committee used information provided by welfare societies and official Palestinian sources to prepare a list of potential beneficiaries. The beneficiaries included "the families of martyrs" and "the families of prisoners".
- The Intifada Committee verified the names of the beneficiaries, their contact information, and their injury with Palestinian officials.
- The Intifada Committee then coordinated with the National Arab Bank. Specifically, the Intifada Committee opened a bank account in the beneficiary's name and then deposited a standard amount of Saudi riyals or U.S. dollars into the account.
- As the Intifada Committee raised funds in Saudi Riyals, which cannot conveniently be converted into Israeli currency (most commonly used in Palestinian controlled areas), Arab Bank converted those funds into U.S. dollars through its New York branch and then routed the funds back to its local branches.
- After the deposits were transferred to Arab Bank branches in the West Bank and the Gaza Strip, the money was withdrawn by the beneficiaries. The Intifada Committee's original website posed this question: "What has been done with your donations?" The answer: "Opening a bank

account for every entitled [Palestinian] through Arab Bank in Palestine."

204. Account 98 funds were also transferred to accounts maintained by charity ("*zakat*") committees at Arab Bank branches in the West Bank and Gaza acting on behalf of, and under the control of, designated Foreign Terrorist Organizations such as Hamas. For example, such funds were transferred to accounts maintained for the Tulkarem Charity Committee at Arab Bank's branch in Tulkarem, including Account # 9070-500010-6/500. According to the U.S. Department of Justice, the Tulkarem Charity Committee is a Hamas front organization, and it is in fact controlled by Hamas operatives.

205. Arab Bank actively participated in a formalized process which required the families of "martyrs" to obtain an official certification of their deceased relative's status as a bona fide "martyr", replete with an individualized identification number.

206. Arab Bank, in turn, provided detailed lists consisting of the names of the "martyrs", personal information and details concerning the date and manner of death and other information provided to it by the Saudi Committee and representatives of the leading terrorist groups via their charitable front organizations.

207. Arab Bank, in consultation with the Saudi Committee and local representatives of Hamas, finalized the lists, maintained a database of persons eligible to receive payments and opened a dollar account for each beneficiary. Every eligible Palestinian family was encouraged to collect the terrorism payment through a local branch of the Arab Bank in the West Bank or Gaza, including through advertisements

placed in Palestinian newspapers in 2001 and 2002 by the Intifada Committee and Hamas-controlled *zakat* committees. According to the Intifada Committee's 2001 annual report, monies were deposited directly into the accounts of 986 individual beneficiaries, including specifically the families of Palestinian suicide bombers, with each "victim" receiving SR 10,000.

208. If the family chose to collect the payment, the families were required to present to the bank an "official" certification from the Palestinian Authority (replete with a unique identification number) establishing the bona fides of the "martyr."

209. If the documentation proved satisfactory, Arab Bank issued a receipt to the designated recipient of the martyrdom payment. For example, Dia A-Tawil perpetrated a suicide bombing attack on March 27, 2001 on behalf of Hamas. He was designated Palestinian Authority Martyr No. 449. His father, Hussien Mohamed Favah Tawil, presented the "official" certification to the defendant, Arab Bank, and received a confirmatory receipt stating that the benefit was paid to his Arab Bank account in Ramallah.

210. In this manner, Arab Bank provided substantial material support to Palestinian terrorist organizations, including designated Foreign Terrorist Organizations or their fronts, and provided a meaningful incentive, both to prospective recruits and to individuals contemplating the commission of independent acts of violence in the name of the "popular resistance."

211. Arab Bank had actual knowledge that the terrorist financing system it helped to develop, and its knowing and intentional receipt, transfer, and disbursement of Intifada Committee funds, substantially

assisted and facilitated Hamas, PIJ, AAMB and PFLP attacks.

212. Arab Bank knowingly advanced the methods and means by which Hamas and other Palestinian terrorist organizations sought to carry out their objectives.

213. Arab Bank management and employees were knowing participants in contributing to Account 98 and Account 90. Arab Bank management and employees donated funds in support of the Al-Quds Intifada.

214. Arab Bank's support of, and commitment to, the violent goals of terrorist organizations are embodied by the personal commitment of Arab Bank's Chairman, Abdul Majeed Shoman who, according to published reports in *AZ Bayan* (a newspaper in the United Arab Emirates), traveled to Qatar to a meeting to raise money to finance and support the intifada.

215. In 1984, the Shoman family that owns and controls Arab Bank Plc published a biography of Mr. Abdulhameed Shoman (the bank's founder) entitled *The Indomitable Arab* in which he consistently set forth his antipathy towards Jews, Zionists and the State of Israel. He also clearly describes his abhorrence for the Untied States, which he claimed to have once admired, but then loathed because of its support for Israel.

216. Prior to the establishment of Arab Bank, its founder Abdulhameed Shoman described his great anger toward Zionists, Jews, and others whom he believed stood in the way of the growth of the Arab economy. In his biography he is quoted as saying that "... within a few years Zionism will have grown strong enough to control the entire economy. I believe that all business dealings with the Jews – buying, selling or

banking transactions – are damaging to our country's best interests."

217. In his final speech before four hundred employees of Arab Bank, Mr. Shoman also explained his hatred for Americans that had developed over the years:

> I liked the Americans. I once bore their nationality, and gathered my fortune in their country. But since they started to help the Zionists and supply them with arms to fight us, I have come to detest them. It was not the Jews, but the Americans, who fought us.

218. Mr. Shoman's son, Abdul Majeed Shoman is presently the chairman of the Arab Bank and a vocal supporter of the Second Intifada.

219. He is, for example, the chairman of the Popular Committee in Support of the Palestinian Intifada which was established during the first Intifada in 1987-1988. The Committee managed to raise approximately eight millions Jordanian Dinar (JOD 8,000,000) or approximately $11,000,000 for "martyrs' families," paying 1,000 JOD ($1,400) to each martyr's family and 300 JOD ($425) to each Palestinian injured in the violence. From 1995 to 2000, the Popular Committee raised an additional 1,200,000 JOD for the martyrs' families of the first Intifada.

220. On November 22, 2000, Arab businessmen, held a meeting with Yassir Arafat, at which time a new entity was formed, the Fund for Support of the Persistence of the Palestinian People to further bankroll the Palestinian Authority and the Second Intifada.. Defendant Arab Bank pledged $2,000,000.00. Mr. Shoman pledged $500,000.00, personally.

221. The Shoman family's altruism towards the Second Intifada continued in June of 2001 when the Cultural Center of the Abdul Hamid Shoman Institute launched an exhibition on the subject of "the martyrs of the Palestinian Intifada" The stated purpose of the exhibit was to "honor to the martyrs of the blessed al-Aqsa intifada" by means of conveying the human and spirited image of their lives. The exhibit featured presentations of the martyrs' personal belongings that had been collected, such as clothing and "tools"

222. In a published report in July 2000 in the Jordanian daily newspaper *Addustour* Abdul Majeed Shoman is described as favoring the destruction of the State of Israel.

223. A published report in the October 2000 issue of the Jordanian daily newspaper *Addustour*, stated that both the management and employees of Arab Bank were donating funds to support the *intifada*.

224. AZ Quds Newspaper on December 12, 2000, noted a memo from the Jordanian Banks Association which confirmed the continuation of talks with the Arab League as to how best to transfer the money donated for the Al Quds Intifadah to those who qualified for it in Palestine. The donations and money were deposited by the League in an account at Arab Bank, Cairo, before transferring it to Palestinian territories.

225. Arab Bank knew that Account 98 and Account 90 funds were raised, deposited, transferred and disbursed through a system that proximately resulted in the creation of a self-sustaining terrorist financing system.

226. For example, following a supermarket bombing by an 18-year-old Palestinian girl, a Saudi telethon reportedly raised more than $100 million for the

Palestinians. Similarly, Colonel Munir al Maqda, also known as Abu Hassan, used the Arab Bank to funnel Iranian funds to AAMB. Starting in 2001, over $40,000 was transferred to an Arab Bank account for use in purchasing weapons, expenses, and bomb-making materials. Further, a handwritten letter by Abu Mazen, the PA Representative to the Kingdom of Saudi Arabia, on December 30, 2000, to Saudi Prince Salman, complains that Saudi donations in the Gaza Strip were going to an organization called al-Jamiya al-Islamiya (the Islamic Society), which Abbas explained "belongs to Hamas." Indeed, in the past Hamas openly revealed the use it made of the Arab Bank by soliciting donations and posting account numbers on its Internet site.

227. Arab Bank also knew that the widespread and systematic campaign of suicide bombings resulted in an increased pattern of suicide bombings. It is a matter of public record that there have been at least 40,000 Account 98 or Account 90 transactions since October of 2000. From September 2000 through September 2004, there have been just shy of 140 suicide attacks, and another 440 or more suicide attacks thwarted. Widely reported statistics available to Arab Bank further establish the widespread impact of suicide bombings on Plaintiffs and other Israeli civilians: between 2000 and 2002 alone, suicide attacks represented only 1% of the total number of terrorist attacks in Israel, but caused approximately 44% of the Israeli casualties. And since September 2000, Palestinian terrorists have attempted approximately 21,000 attacks, resulting in more than 6,000 casualties, including over 1,000 civilian deaths.

228. Arab Bank's public statements that it "never participated in any activity knowingly that could lead to violence" is belied by the fact that the Executive

Manager of the Intifada Committee, who has stated to Arab News that "we support the families of Palestinian martyrs, without differentiating between whether the Palestinian was a bomber or was killed by Israeli troops." Further, the Intifada Committee's website has long contained records reflecting that money being funneled through Arab Bank as described above went to over 60 families whose main breadwinner(s) were known Palestinian militants who carried out indiscriminate terrorist attacks, including suicide bombers and gunmen who were killed during actual and attempted attacks:

- Said Hassan Hussein Hotari – identified as suicide bomber in June 1, 2001, attack on Dolphinarium nightclub in Tel Aviv. Hamas claimed responsibility. The attack resulted in the killing of 22 people including Liana Saakian, daughter of plaintiff Marina Berezouskya and twin sister of plaintiff Piotr Saakian; Aleksei Lupalo, son of plaintiffs Ivan Lupalo and Larysa Lupalo and brother of plaintiff Lyubov Lupalo; Uri Shahar, son of plaintiff Madlen Shahar; Elena Nalimova and Yulia Nalimova, daughters of plaintiff Ella Nalimova and sisters of plaintiff Alex Nalimova; Yulia Sklianik, daughter of plaintiffs Irina Sklianik and Oleg Sklianik and sister of plaintiff Lior Sklianik; Jenya Dorfman, daughter of plaintiff Faina Dorfman; Mariana Medvedenko, daughter of plaintiff Victor Medvedenko; Irina Nepomnyashchy, daughter of plaintiff Raina Nedpomnyashchy and sister of plaintiff Pavel Zichroni; Ilia Gutman, son of plaintiffs Boris Gutman and Larisa Gutman

and brother of plaintiff Michael Gutman; Katrin Talker, daughter of plaintiff Ludivia Talker; and Sergei Panchenko, son of plaintiff Natalia Sannikova. The attack also resulted in 83 wounded including plaintiffs Lior Sklianik, Tamara Fubrickunt, Margarita Sherman, Polina Valis, Anna Pistunov, Ivgeni Moldavski, Oksana Datlov; plaintiff Tanya Weiz, daughter of plaintiff Ludmila Weiz; and plaintiff Alexander Plotkin, son of plaintiff Elena Plotkin.

- Izzedin Shahil Ahmed Masri – identified as suicide bomber in August 9, 2001 attack on Sbarro pizza restaurant in Jerusalem. Hamas claimed responsibility. This attack resulted in the death of 15 Israelis including Yoched Soussan, sister of plaintiff Kerovah Soussan, and Tehila Maoz, daughter of plaintiff Hanna Maoz. There were also 110 wounded, including plaintiffs Kerovah Soussan, Orna Amit and Miryam Sara Shushan.

- Maher Muhiaddin Kamel Habeishi – identified as suicide bomber in December 2, 2001, attack on Haifa bus. Hamas claimed responsibility. This attack resulted in 15 deaths including Riki Hadad, daughter of plaintiff Irit Assaraf; Inna Frenkel, mother of plaintiff Michael Frenkel; Yitzak Ringal, brother of plaintiff Michael Ringal; Ronen Kachlon, son of plaintiffs Zori Kachlon and Panina Kachlon, father of plaintiff Sasai Kachlon, and brother of plaintiffs Dior Kachlon and Galit Kachlon;

Mara Fishman, wife of plaintiff Ilia Fishman and mother of plaintiff Alex Fishman; Zizilia Kuzmin, mother of plaintiff Evgeny Kuzmin; and Tatiana Borovik, daughter of plaintiff Alla Borovik. In addition 35 were wounded, including plaintiff Ronen Arrahami.

- Wa'fa Ali Khalil Idris – female, identified as suicide bomber in January 27, 2002 street attack in Jerusalem. The AAMB claimed responsibility. Pinhas Tokatly, father of plaintiff Yoel Tokatly, was killed in this attack. An additional 150 individuals were injured as a result of this attack.
- Mohammed Ahmed Abdel-Rahman Daraghmeh – identified as suicide bomber in March 2, 2002 attack on Orthodox Jewish neighborhood in Jerusalem. The AAMB claimed responsibility. Those killed in this attack were Lidor and Oriya Ilan, children of plaintiffs Ronit Ilan and Shimon Ilan; Eliyahu Nehamed and Shuli Nehamed, sons of plaintiffs Dahlia Nehamed and Ezra Nehamed; and Tzafia Eliyau and Jacob Avraham, wife and son of plaintiff Ofer Eliyahu. The attack resulted in 50 wounded.

229. Most of the Intifada Committee records assigned to individuals whose names match or closely resemble those of suicide attackers list "assassination" as the cause of death—however upon information and belief other records credit "martyrdom." Other records indicate that the individuals they refer to were killed during a "martyrdom operation."

VI. Discovery and Condemnation

Operation Defensive Shield

230. In April 2002 as part of Operation Defensive Shield, Israeli Defense Forces raided the offices of the Tulkarem Charitable Society.

231. The Tulkarem Charitable Society is one of the Hamas civilian infrastructure's most prominent West Bank institutions and also supports the movement's operational-terrorist activities; it was therefore outlawed by Israel in 2002. It was also targeted by the Palestinian Authority, as early as December 2001, when the PA froze the funds transferred from the Al-Hussein branch of the Arab Bank in Jordan to the Tulkarem Charitable Society's account.

232. For several years the Tulkarem Charitable Society has been headed by Hamas activist Hosni Hassan Hussein al-Khawajah. Born in 1928 near Tulkarem, he was a teacher, school principal and merchant. His signature was found on documents captured at the Society's offices in Tulkarem in February 2004. The three authorized signatures are those of individuals also identified with Hamas.

233. The Tulkarem Charitable Society purports to conduct a wide range of social, religious and economic activities. In actuality, the Tulkarem Charitable Society is supported by organizations abroad which provide aid for the infrastructure of Hamas, PIJ, AAMB, and PFLP in the PA-administered territories, including the following well known Hamas front organizations: the Holy Land Foundation for Relief and Development in the United States ("HLF"), World Assembly of Muslim Youth ("WAMY") in Saudi Arabia, the Palestinian Relief and Development Fund in Britain ("Interpal"), Committee for Palestinian Charity and

Aid ("CPSP") in France, and the International Relief Fund for the Afflicted and Needy in Canada ("IRFAN").

234. The Tulkarem Charitable Society received funds from these organizations and from other institutions all over the world, including many Arab countries, in support of the terrorist infrastructure. Arab Bank facilitated many of these transfers through its branches around the world including its New York branch.

235. Among the documents recovered in the raid, Israeli officials discovered a spreadsheet detailing how $545,000 received from the Intifada Committee was allocated to families of Palestinian suicide bombers and other terrorist operatives.

236. The spreadsheet identifies, among other things, suicide bombers, by name, the date of the bombing for which the suicide bomber was responsible and the number of people killed in the bombing, as well as other Hamas operatives directly involved in planning or executing terrorist attacks.

237. The spreadsheet and other captured documents corroborate information from the Intifada Committee's own detailed and voluminous records. For example, the following suicide bombers, whose families received payments from the Intifada Committee, are identified on the spreadsheet and in records contained on the Intifada Committee's archived website:

(1) *Ahmad Amr Hamdan Alyan* who committed a "suicide act on Netanya" on March 4, 2001 in which plaintiff Yael Levi was seriously injured;

(2) *Mahmud Ahmad Mahmid Marmash* who committed a "suicide act" at the Hasharon Mall in Netanya on May 18, 2001, in which Miriam Vaxman, the wife of plaintiff Josef Vaxman and the mother of plaintiffs Hanach Vaxman and Hen Vaxman, Terza Polonsky, the wife of plaintiff Ahikam Plonsky were killed and plaintiff Josef Vaxman, plaintiff Hila Hen, plaintiff Israel Haizler and plaintiff Ludnila Glantz were injured;

(3) *Abdel Rahman Hamad*, a Hamas operative, and *Salled Al Hotari* the suicide bomber, who were responsible for the June 2001 bombing of the Dolphinarium disco in Tel Aviv which killed Liana Saakian, the daughter of plaintiff Marina Berezouskya and the twin sister of plaintiff Piotr Saakian, Aleksei Lupalo, the son of plaintiffs Ivan Lupalo and Larysa Lupalo and the brother of plaintiff Lyubov Lupalo, Elena Nalimova and Yulia Nalimova, the daughters of plaintiff Ella Nalimova and the sisters of plaintiff Alex Nalimova, Yulia Sklianik, the daughter of plaintiffs Irina Sklianik and Oleg Sklianik and the sister of plaintiff Lior Sklianik, Jenya Dorfman, the daughter of plaintiff Faina Dorfman, Mariana Medvedenko, the daughter of plaintiff Victor Medvedenko, Irina Nepomnyashchy, the daughter of plaintiff Raina Nedpomnyashchy and the brother of plaintiff Pavel Zichroni, Ilia Gutman, the daughter of plaintiffs Boris Gutman and Larisa Gutman and the sister of plaintiff

Michael Gutman, Katrin Talker, the daughter of plaintiff Ludivia Talker, and which seriously injured plaintiff Lior Sklianik, plaintiff Tamar Fubrickunt, Tanya Weiz, the daughter of plaintiff Ludmila Weiz, plaintiff Margarita Sherman, Alexander Plotkin, the son of plaintiff Elena Plotkin, plaintiff Ivgeni Moldavski, plaintiff Polina Valis, and plaintiff Oksana Diatlov;

(4) *Fadi Attalluh Yousef Amr*, who committed a suicide attack at the Neveh Yamin/Kfar Sabba Junction on March 28, 2001 in which Eliron Rosenberg, the son of plaintiff Yoram Rosenberg, was killed;

(5) *Izzaddin Shahil Ahmad Al Marsu*, the suicide bomber responsible for the attack at the Sbarro restaurant in Jerusalem on August 9, 2001 in which Yoched Soussan, the sister of plaintiff Kerovah Soussan, was killed and plaintiffs Kerovah Soussan, Orna Amit and Miryam Sara Shushan were seriously injured;

(6) *Osama Mohanmed Abed Baher*, the suicide bomber responsible for an attack on Ben Yehuda Street in Jerusalem on December 1, 2001 in which Asaf Avitan, the son of plaintiff Mery Avitan was killed and plaintiff Yafit Levy was seriously injured;

(7) *Maher Kamel Muhui el-Din Hubeishi*, the suicide bomber responsible for the bombing of a No. 16 Egged bus in Haifa on December 2, 2001 which killed Inna

Frenkel the mother of plaintiff Michael Frenkel, Yitzak Ringal, the brother of plaintiff Michael Ringal, Ronen Kachlon, the son of plaintiffs Zori Kachlon and Panina Kachlon, the father of plaintiff Sasai Kachlon, the brother of plaintiff Dior Kachlon and the sister of plaintiff Galit Kachlon, Mara Fishman, the wife of plaintiff Ilia Fishman and the mother of plaintiff Alex Fishman, and Zizilia Kuzmin, the mother of plaintiff Evgeny Kuzmin, and which seriously injured plaintiff Ronen Arrahami;

(8) *A'sim Hasan Rehen*, who was responsible for the suicide attack on a No. 189 Dan bus near the entrance to the settlement of Emmanuel on December 12, 2001 which killed Yair Amar, the son of plaintiff Oren Amar, and Yaacov Zarfati and Hananya Zarfati, the son of plaintiff Dvora Zarfati and the brothers of plaintiffs Eidit Zarfati and Rivka Zarfati, and which seriously injured plaintiffs Naftali Lilzari, Rachel Uzan, Miryam Uzan, Arie Uzan and On Uzan;

(9) *Mohammed Ahmad Daraghmah*, who was the suicide bomber responsible for the attack near a *yeshiva* in Beit Yisrael neighborhood of Jerusalem on March 2, 2002 which killed Lidor Ilan and Oriya Ilan, the children of plaintiffs Ronit Ilan and Shimon Ilan, Tzofia Eliyahu, the wife of plaintiff Ofer Eliyahu, Jacob Eliyahu, the son of plaintiff Ofer Eliyahu, Eliyahu Nehamed and Shuli Nehamed,

the sons of plaintiffs Dahlia Nehamed and Ezra Nehamed.

238. Another document mentions a PIJ suicide bomber named Murad 'Abd al-Fatah al-Asl, who on September 9, 2001, perpetrated the suicide bombing attack at the Beit Lid intersection, near Netanya. Through the Arab Bank, his family was compensated for his death, the razing of their house and the incarceration of his cousin. The total sum was 20,105 Jordanian dinars [approximately $29,000] and was paid to them through the Bank's Tulkarem branch.

239. Another document showed the transfer of money to the family of PIJ operative Rami Muhammad Jamil Mutlaq Ghanem, who perpetrated the suicide bombing attack at the London Café in Netanya (in the central part of the country) on March 30, 2003; 34 civilians were injured in the attack. His family received the exceptional sum of around $5,000 - $7,000 for his action and approximately $14,000 to compensate for the razing of the family's house, in addition to their increased monthly allowance.

240. An Israeli Defense Forces Military Report noted that "according to the captured documents, the [Saudi] Committee was aware that the funds it transferred were paid to families of terrorists who perpetrated murderous attacks in Israeli cities, in which many Israelis were killed and wounded."

241. In each case, the beneficiaries received the funds through the Tulkarem branch of the Arab Bank. According to other documents confiscated from the offices, the bank manages all the society's financial business, including the receipt of funds from external sources and the payment of funds to the families of

shaheeds, wounded, wanted and imprisoned Palestinian terrorists.

242. As a result, funds collected, received and disbursed by Arab Bank directly supported, encouraged, incited and made possible the carrying out of suicide bombings and other murderous attacks by providing payments aggregating in the millions of dollars to the families and dependants of suicide bombers, prisoners and other terrorist operatives.

243. Based upon the foregoing, Arab Bank knew or should have known that funds that it distributed to finance the activities of the Intifada Committee would ultimately be disbursed to support the infrastructure for, and activities of, Palestinian terrorist organizations, including designated Foreign Terrorist Organizations such as Hamas, PIJ, AAMB, PFLP, and their other front organizations.

United States' Condemnation of Terror Attacks

244. The United States government has affirmed the causal effectiveness of such payments in fomenting acts of terror. A November 2001 Federal Bureau of Investigation memorandum concerning Hamas funding notes that through such financial support, "Hamas provides a constant flow of suicide volunteers and buttresses a terrorist infrastructure heavily reliant on moral support of the Palestinian populaces . . ."

245. The United States, at the highest levels, has also specifically condemned the provision of financial support to families of suicide bombers. U.S. Secretary of State Colin Powell has stated: "I think it's a real problem when you incentivize in any way suicide bombings." U.S. Vice President Richard B. Cheney cited such financial support as a factor for the U.S. military campaign against the regime of Saddam Hussein,

noting in late 2003 that the former Iraqi regime "cultivated ties to terror," by, among other things, "making payments to the families of suicide bombers in Israel." In July 2004, Vice President Cheney similarly criticized Hussein for "providing financial rewards to the families of suicide bombers in Israel." And in July 2004, President George W. Bush said that Hussein "def[ied] the world" by, among other things, "subsidiz[ing] the families of suicide bombers."

246. On July 27, 2004, the United States criminally indicted the Holy Land Foundation for Relief and Development and various individuals for violations of federal law (including the Anti-Terrorist Act) based on their provision of material support to the families of Palestinian suicide bombers through, *inter alia*, *zakat* committees, including specifically, among others, the Tulkram Charity Committee. The indictment charges that the defendant "provided financial support to the families of Hamas martyrs, detainees and activists . . . [I]n this manner, the defendant effectively rewarded past, and encouraged future, suicide bombings and terrorist activities on behalf of Hamas." The indictment further stated: "This type of support was critical to Hamas' efforts to win the hearts and minds of the Palestinian people and to create an infrastructure solidifying Hamas' presence."

Palestinian Authority Condemnation of Terror Attacks

247. In addition to condemnation of these terror attacks by the United States government, the government of the Palestinian Authority has also joined in condemning these attacks.

248. Yasser Arafat, the former Chairman of the Palestinian Authority, publicly declared the "necessity

to completely stop these attacks . . . to preserve the high national interest." He further stated, "I personally, and the Palestinian Authority, are completely against it (the attacks)."

Universal Condemnation of Financing of Terrorism

249. The international community has universally condemned the financing of terrorism thus incorporating this offense into the law of nations pursuant to the ATCA.

250. The following international conventions and/or United Nations Security Council Resolutions support the premise that the financing of terrorism is incorporated into the law of nations:

i. The International Convention for the Suppression of the Financing of Terrorism, G.A. Res. 54/109, U.N. GA OR, 54th Sess., 76th mtg., Supp. No. 49, U.N. Doc. A/Res/53/108 (1999) (In force Apr. 2002);

ii. Resolution 1267 (1999) of October 15, 1999 on the freezing of the funds and other financial resources of the Taliban.

iii. Resolution 1269 (1999) of October 19, 1999 calling upon states to take steps to deny those who finance terrorist acts safe haven.

iv. Resolution 1333 (2000) of December 19, 2000 on the freezing of the funds and other resources of Usama bin Laden and the Al-Qaida organization.

v. Resolution 1363 (2001) of July 30, 2001 on the establishment of a mechanism to monitor the implementation of measures

imposed by Resolutions 1267 (1999) and 1333 (2000).

vi. Resolution 1373 (2001) of September 28, 2001 on threats to international peace and security caused by terrorist acts, and mandating the formation of the Counter-Terrorism Committee.

vii. Resolution 1377 (2001) of November 12, 2001 calling upon states to implement fully Resolution 1373 (2001).

viii. Resolution 1390 (2002) of January 16, 2002 effectively merging the freezing measures of Resolutions 1267 (1999) and 1333 (2000).

ix. Resolution 1455 (2003) of January 17, 2003 on measures to improve the implementation of the freezing measures of Resolutions 1267 (1999), 1333 (2000), and 1390 (2002).

x. Resolution 1456 (2003) of January 29, 2003 reaffirming that "measures to detect and stem the flow of finance and funds for terrorist purposes must be urgently strengthened"; stating that states must "bring to justice those who finance . . . terrorist acts"; and urging states to become parties to the 1999 Terrorism Financing Convention; calling on Counter-Terrorism Committee to intensify efforts to implement Resolution 1373 (2001).

xi. Resolution 1526 (2004) of January 30, 2004 calling upon states to implement fully Resolution 1373 (2001), and measures

to improve the freezing measures of Resolutions 1267 (1999) and 1333 (2000).

xii. Resolution 1535 (2004) of March 26, 2004 calling upon states to implement fully Resolution 1373 (2001).

Universal Condemnation of Genocide

251. The international community has universally condemned the crime of genocide thus incorporating this offense into the law of nations pursuant to the ATCA.

252. The following international conventions and/or United Nations Security Council Resolutions support the premise that the crime of genocide is incorporated into the law of nations:

i. The Convention on the Prevention and Punishment of the Crime of Genocide ("Convention on Genocide"), 78 U.N.T.S. 277;

ii. The Statute of the International Criminal Tribunal for the Former Yugoslavia ("Statute of the ICTY"), Art. 4 (adopted by the U.N. Security Council in Resolution No. 808 (May 3, 1993)), U.N. Doc. S/25704;

iii. The Statute of the International Criminal Tribunal for Rwanda ("Statute of the ICTR"), Art. 2 (adopted by the U.N. Security Council in Resolution No. 955), U.N. Doc. S/INF/50 (1994);

iv. The Rome Statute of the International Criminal Court, U.N. GAOR, 52d Sess., Annex II, at 4, U.N. Doc. A/CONF.183/9 (1998), Art. 6.

Universal Condemnation of Crimes Against Humanity

253. The international community has universally condemned crimes against humanity thus incorporating this offense into the law of nations pursuant to the ATCA.

254. The following international conventions and/or United Nations Security Council Resolutions support the premise that the act of crimes against humanity is incorporated into the law of nations:

v. The Charter of the International Military Tribunal, Aug. 8, 1945, art. 6I, 59 Stat. 1546, 1547, E.A.S. NO. 472, 82 U.N.T.S. 284;

vi. The Statute of the International Criminal Tribunal for the Former Yugoslavia, Art. 5;

vii. The Statute of the International Criminal Tribunal for Rwanda, Art. 3;

viii. The Rome Statute of the International Criminal Court, Art. 7.

COUNT ONE

18 U.S.C. § 2331 *et seq.*
("THE ANTITERRORISM ACT")

255. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

256. The Defendant herein engaged in acts of international terrorism; activities that involve violent acts dangerous to human life that are in violation of the criminal law of the United States and appear to be intended to intimidate or coerce a civilian population; to influence policy of a government by intimidation or

coercion; or to affect the conduct of a government by assassination.

257. Defendant, through its acts and omissions, committed, furthered, supported, encouraged and made possible acts of international terrorism, within the meaning 18 U.S.C. §2331, in that it:

(a) violated Section 2339A by providing material support or resources, including without limitation currency and financial services, knowing or intending that they were to be used in preparation for, or in carrying out certain prohibited criminal acts, including those with respect to killing, maiming, or injuring persons in a foreign country and killing a United States national outside the United States;

(b) violated Section 2339B(a)(1) by knowingly providing material support or resources, including without limitation currency and financial services, to a foreign terrorist organization, specifically designated as such by the Secretary of State;

(c) violated Section 2339B(a)(2) by becoming aware that they had possession of or control over, funds in which a foreign terrorist organization, or its agent, had an interest, and they failed to (i) retain possession of, or maintain control over, such funds or (ii) report to the Secretary of the Treasury the existence of such funds; and

(d) violated Section 2339C by, directly and indirectly, collecting funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in

> full or in part, in order to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

258. This activity transcends international boundaries in terms of the means by which they are accomplished, the persons they appear to intend to intimidate or coerce, or in terms of the locale in which the perpetrators operate or seek asylum. 18 U.S.C. 2331.

259. Nationals of the United States injured in his or her person, property or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefore in any appropriate district court of the United States and shall recover threefold the damages they sustain and the costs of suit, including attorneys fees. 18 U.S.C. 2333.

260. As set forth above, Defendant proximately caused the deaths and injuries to the United States Citizen Plaintiffs and/or their decedents described herein through and by reason of acts of international terrorism that were encouraged, enticed, rewarded, carried out and made possible as a result of funds Defendant collected and disbursed. As a result, the acts of international terrorism described herein were reasonably foreseeable consequences of Defendant's collecting and disbursing such funds.

261. As set forth above, Defendant committed, conspired, or otherwise engaged in or provided material support for the acts of international terrorism,

including but not limited to providing material support and/or aiding and abetting assistance to Hamas, AAMB, the PIJ, and international terrorism. This material support and/or aiding and abetting of acts of international terrorism allowed Hamas, AAMB, and the PIJ to carry out the terrorist attacks described herein.

262. As a result of Defendant's acts of international terrorism, including but not limited to financial sponsorship, logistical, and other material support, Plaintiffs who are U.S. nationals suffered damages as set forth herein.

263. Pursuant to 18 U.S.C. §2333, the estates, survivors and heirs of the decedents who are nationals of the United States are entitled to recover threefold the damages they have sustained and the cost of suit, including attorneys' fees.

WHEREFORE, Plaintiffs, who are nationals of the United States, demand judgment in their favor against Defendant in an amount to be determined by a jury, not less than the statutory amount of $75,000, and demand treble damages pursuant to statute, for damages arising out of wrongful death, survival, loss of consortium, loss of solatium, and/or loss of services, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendant from ever again committing such terrorist acts again.

COUNT TWO

AIDING AND ABETTING VIOLATIONS OF THE ANTITERRORISM ACT

264. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

265. Hamas, PIJ, AAMB and other international terrorist organizations engaged in acts of international terrorism, as defined in 18 U.S.C. §2331, in violation of 18 U.S.C. §2333. The acts of international terrorism committed by Hamas, PIJ, AAMB and other foreign terrorist organizations, as described herein, caused death and injury to the United States Citizen Plaintiffs and their decedents.

266. Defendant aided and abetted these acts of international terrorism, in that defendant collected and disbursed funds knowing that such funds would be used to support, encourage, entice, reward, carry-out and make possible terrorist activities in Israel, including suicide bombings and murder. Defendant knew the goals of Hamas, PIJ, AAMB and other international terrorist organizations and knowingly advanced those goals.

267. This aiding and abetting of acts of international terrorism allowed Hamas, PIJ, AAMB and other international terrorist organizations to carry out the suicide bombings and other murderous attacks described above.

WHEREFORE, Plaintiffs, who are nationals of the United States, demand judgment in their favor against Defendant and demand in an amount to be determined by a jury, not less than the statutory amount of $75,000, and demand treble damages pursuant to statute, for damages arising out of wrongful death, survival, loss of consortium, loss of solatium, and/or loss of services, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendant from ever again aiding and abetting the commission such terrorist acts again.

COUNT THREE

FINANCING OF TERRORISM IN VIOLATION OF THE LAW OF NATIONS

268. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

269. The financing of suicide bombings and other murderous attacks committed by PIJ, Hamas, AAMB, and PFLP against Plaintiffs and the unarmed members of the civilian Israeli population constitutes a crime in violation of the law of nations.

270. The crime of terrorist financing rests on a clear and definite norm of international law which is universally accepted by the civilized world. The International Convention for the Suppression of the Financing of Terrorism, G.A. Res. 54/109, U.N. GAOR, 54th Sess., 76th mtg., Supp. No. 49, U.N. Doc. A/Res/53/108 (1999) (In force Apr. 2002) ("Convention") is declaratory of existing international law. It has been signed by 132 states, and, as of December 8, 2004, was in force among 117 states. *See* http://untreaty.un.org/ENGLISH/Status/Chapter_xviii/treaty11.asp. The Convention condemns the funding of terrorism and requires that the provision or collection of funds for terrorist offenses be criminalized. The United States ratified this Convention on June 26, 2002.

271. The Convention follows the precedents set by numerous other sources of international law that reflect the universal condemnation of terrorist financing.

272. First, the Convention defines offenses by incorporating eleven existing anti-terrorism conventions. Thus, a Convention offense includes providing or collecting funds for any act falling within the International Convention for the Suppression of Terrorist

Bombings, adopted by the General Assembly of the United Nations Jan. 12, 1998, G.A. Res. 164, U.N. GAOR 52nd Sess., U.N. Doc. A/RES/52/164 (1998), 37 I.L.M. 249 (1998) (In force May 23, 2001) ("Bombing Convention"), which itself has been ratified by 123 nations. The United States ratified the Bombing Convention on June 26, 2002.

273. Convention offenses also encompass providing or collecting funds for "any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act."

274. Second, the Convention supplements existing international authority in the form of U.N. Security Council Resolutions which reflect the international community's collective denouncement of terrorist financing:

- Resolution 1267 (1999) of October 15, 1999 on the freezing of the funds and other financial resources of the Taliban.
- Resolution 1269 (1999) of October 19, 1999 calling upon states to take steps to deny those who finance terrorist acts safe haven.
- Resolution 1333 (2000) of December 19, 2000 on the freezing of the funds and other resources of Usama bin Laden and the Al-Qaida organization.
- Resolution 1363 (2001) of July 30, 2001 on the establishment of a mechanism to

monitor the implementation of measures imposed by Resolutions 1267 (1999) and 1333 (2000).

- Resolution 1373 (2001) of September 28, 2001 on threats to international peace and security caused by terrorist acts, and mandating the formation of the Counter-Terrorism Committee.
- Resolution 1377 (2001) of November 12, 2001 calling upon states to implement fully Resolution 1373 (2001).
- Resolution 1390 (2002) of January 16, 2002 effectively merging the freezing measures of Resolutions 1267 (1999) and 1333 (2000).
- Resolution 1455 (2003) of January 17, 2003 on measures to improve the implementation of the freezing measures of Resolutions 1267 (1999), 1333 (2000), and 1390 (2002).
- Resolution 1456 (2003) of January 29, 2003 reaffirming that "measures to detect and stem the flow of finance and funds for terrorist purposes must be urgently strengthened"; stating that states must "bring to justice those who finance . . . terrorist acts"; and urging states to become parties to the 1999 Terrorism Financing Convention; calling on Counter-Terrorism Committee to intensify efforts to implement Resolution 1373 (2001).
- Resolution 1526 (2004) of January 30, 2004 calling upon states to implement fully

Resolution 1373 (2001), and measures to improve the freezing measures of Resolutions 1267 (1999) and 1333 (2000).

- Resolution 1535 (2004) of March 26, 2004 calling upon states to implement fully Resolution 1373 (2001).

275. U.N. Security Council Resolution 1373 was unanimously adopted under Chapter VII of the U.N. Charter. Under Article 25, decisions taken by the Security Council under Chapter VII of the Charter are legally binding on all members.

276. Resolution 1373 is unequivocally directed at the prevention, prosecution, and punishment of the financing of terrorism, and characterizes acts of terrorism as threats to international peace and security. By characterizing acts of terrorism as threats to international peace and security, the Security Council is entitled to take the collective measures (or "sanctions") envisioned by Chapter VII of the United Nations Charter. The measures that the Council decides to take in these circumstances are mandatory for all the members of the United Nations by virtue of Articles 25 and 48 of the Charter.

277. Under Resolution 1373, "all States shall . . . prevent and suppress the financing of terrorist acts" and "criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist attacks." States are equally bound to "[e]sure that any person who participates in the financing" of terrorism "is brought to justice." Resolution 1373's prohibition against "acts, methods, and practices of terrorism"

which are "contrary to the purposes and principles of the United Nations" – including knowingly financing, planning and inciting terrorist acts – is declaratory of the fact that terrorist financing is contrary to existing Treaty obligations of member states as expressed in the purposes and principles of the U.N. Charter, which all member states are obliged to honor.

278. World condemnation of terrorist financing is equally reflected in various regional conventions, which prohibit the financing of terrorist acts. *See* Annex to Resolution No.: 59//26P; 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism, Art. 3; 1999 OAU Convention on the Prevention and Combating of Terrorism (Algiers, July 14, 1999), Art. 3; 1998 Arab Convention for the Suppression of Terrorism (Cairo, April 1998), Art. 3.

279. Terrorist financing is likewise defined with a specificity sufficiently comparable to international law violations that were familiar when the ATCA was enacted.

280. Consistent with its condemnation of terrorism financing, the world community has also joined in defining who can be held liable. The Convention explicitly provides that liability for terrorist financing reaches those that directly or indirectly provide or collect funds with the intention or knowledge that the funds will be used to carry out a defined terrorist offense, regardless of whether the funds were actually used. Specifically, the Convention reaches every accomplice and ev y person who organizes or directs others in the terrori nancing effort.

281. Furthermore, legal entities may be held civilly liable for the offenses set out in the Convention. This

comports with the general international consensus embodied in the Bombing Convention, which also reaches all persons who "participate[] as an accomplice" in a terrorist bombing or "organizes others to commit them or in any other way contributes to their commission."

282. Arab Bank aided and abetted, intentionally facilitated, and/or recklessly disregarded a violation of international law, to wit, terrorist financing, by directly or indirectly providing funds to PIJ, Hamas, AAMB, and PFLP with the intention or knowledge that those funds would be used to carry out an offense as defined by the Convention, the Bombing Convention and international law:

i. Starting on or about October, 2000, PIJ, Hamas, AAMB, and PFLP engaged in numerous terrorist bombings that were part of a systematic and widespread attack on a civilian population, in which they murdered and seriously injured Plaintiffs and several thousand innocent Israeli civilians, in furtherance of the overarching goal of toppling Israel and persecuting and completely destroying Plaintiffs and the Israeli population.

ii. PIJ's, Hamas', AAMB's, and PFLP's suicide bombings and other murderous attacks were intended to cause death or serious or serious bodily injury to Plaintiffs and other Israeli civilians not taking part in the hostilities in a situation of armed conflict. By its nature and context, and as evidenced by the professed goals of PIJ, Hamas, AAMB, and PFLP, suicide bombings and other murderous

attacks are designed to destroy and intimidate the Israeli population and topple Israel.

iii. Arab Bank regularly accepted millions of dollars in deposits from state sponsored charities, official state donations, and private contributions, with actual knowledge and awareness that these same funds were raised and deposited for the sole purpose of supporting Palestinian genocidal murderers and maimers and their families; routed these same deposits into bank accounts created and maintained by government mandate and official government policy; transferred funds from those accounts to other participating banks; and disbursed those funds to, among others, Palestinian genocidal murderers and maimers and their families, as well as the families of prisoners, who were members of PIJ, Hamas, AAMB, and PFLP that engaged in suicide bombings against Plaintiffs and other Israeli civilians.

iv. At all times, Arab Bank knew that its receipt, transfer, and disbursement of Account 98 and Account 90 funds were being paid to families of members of PIJ, Hamas, AAMB, and PFLP, and that these same FTOs carried out suicide bombings and other murderous attacks against Plaintiffs and other Israeli and non-Israeli civilians.

v. At all times, Arab Bank knew that its receipt, transfer, and disbursement of

Account 98 and Account 90 funds and monetary awards for the families of suicide bombers were twice as large as those given to those families of mere prisoners and provided an incentive to PIJ, Hamas, AAMB, and PFLP members to engage in suicide bombings.

vi. Arab Bank's conduct further provided organizational incentives to PIJ, Hamas, AAMB, and PFLP to continue to plan, and operate suicide bombings. Given the evidence that the Intifada Committee Account 98 and Account 90 funds were earmarked for the families of prisoners and those killed while perpetrating terrorist attacks, Arab Bank incentivized and contributed to suicide bombings.

vii. Arab Bank knew that the Account 98 and Account 90 funds that were raised, deposited, transferred and disbursed through a system it helped to develop materially contributed to the creation of a self-sustaining a system of terrorist financing, suicide bombings and other murderous attacks.

viii. Therefore, Arab Bank aided and abetted, intentionally facilitated, and/or recklessly disregarded a violation of international law within the meaning of the Convention, the Bombing Convention and the law of nations prohibiting terrorist financing.

283. In the alternative, Arab Bank aided and abetted, intentionally facilitated, and/or recklessly

disregarded a violation of international law, to wit, terrorist financing, by directly or indirectly providing funds to PIJ, Hamas, AAMB, and PFLP with the intention or knowledge that those funds would be used to carry out an offense as defined by the Convention, the Bombing Convention and international law, as follows:

ix. Starting on or about October, 2000, PIJ, Hamas, AAMB, and PFLP engaged in suicide bombings and other murderous attacks involving the use of explosives, incendiary weapons, and other lethal devices which were designed to cause death and serious bodily injury.

x. PIJ's, Hamas's, AAMB's, and PFLP's suicide bombings and other murderous attacks also involved the intentional delivery, placement, discharge, and/or detonation of explosives, incendiary weapons, and lethal devices in public places, State, government, and public facilities, and in public transportation system(s), including buses.

xi. PIJ's, Hamas's, AAMB's, and PFLP's suicide bombings and other murderous attacks constitute a violation of international law as they constitute an offense under the Bombing Convention.

xii. Arab Bank regularly accepted millions of dollars in deposits from state sponsored charities, official state donations, and private contributions, with actual knowledge and awareness that these same funds were raised and deposited

for the sole purpose of supporting Palestinian genocidal murderers and maimers and their families; routed these same deposits into bank accounts created and maintained by government mandate and official government policy; transferred funds from those accounts to other participating banks; and disbursed those funds to, among others, Palestinian genocidal murderers and maimers and their families, as well as the families of prisoners, who were members of PIJ, Hamas, AAMB, and PFLP that engaged in suicide bombings and other murderous attacks against Plaintiffs and other Israeli civilians.

xiii. At all times, Arab Bank knew that its receipt, transfer, and disbursement of Account 98 and Account 90 funds were being paid to families of members of PIJ, Hamas, AAMB, and PFLP, and that these same FTOs carried out suicide bombings and other murderous attacks against Plaintiffs and other Israeli civilians.

xiv. At all times, Arab Bank knew that its receipt, transfer, and disbursement of Account 98 and Account 90 funds and monetary awards for the families of suicide bombers were twice as large as those given to those families of mere prisoners and provided an incentive to PIJ, Hamas, AAMB, and PFLP members to engage in suicide bombings and other murderous attacks.

xv. Arab Bank's conduct further provided organizational incentives to PIJ, Hamas, AAMB, and PFLP to continue to plan, and operate suicide bombings and other murderous attacks. Given the evidence that the Intifada Committee Account 98 and Account 90 funds were earmarked for the families of prisoners and those killed while perpetrating terrorist attacks, Arab Bank incentivized and contributed to suicide bombings and other murderous attacks.

xvi. Arab Bank knew that the Account 98 and Account 90 funds that were raised, deposited, transferred and disbursed through a system it helped to develop materially contributed to the creation of a self-sustaining a system of terrorist financing, suicide bombings and other murderous attacks.

xvii. Therefore, Arab Bank aided and abetted, intentionally facilitated, and/or recklessly disregarded a violation of international law within the meaning of the Convention, the Bombing Convention and the law of nations prohibiting terrorist financing.

284. Plaintiffs and their family members suffered death or serious physical and/or mental injuries as a proximate result of Arab Bank's conduct.

WHEREFORE, Plaintiffs, who are aliens, demand judgment in their favor against Defendant and demand damages in an amount to be determined by a jury, not less than the statutory amount of $75,000, for

damages arising out of wrongful death, survival, loss of consortium, loss of solatium, and/or loss of services, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendant from ever again engaging in the financing of terrorism in violation of the law of nations.

COUNT FOUR

AIDING AND ABETTING, COMPLICITY, PARTICIPATING IN A JOINT VENTURE, AND/OR RECKLESS DISREGARD TO ENGAGE IN ACTS OF GENOCIDE IN VIOLATION OF THE LAW OF NATIONS

285. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

286. Genocide has been universally recognized as a clear and definite norm of international law which is universally accepted by the civilized world and such conduct is so widely condemned that it has achieved the status of a universally recognized or *jus cogens* violation, and, therefore, is a violation of the law of nations such that the commission of genocide by a party subjects it to liability to aliens in United States courts under the ATCA.

287. The Convention on the Prevention and Punishment of the Crime of Genocide ("Convention on Genocide"), 78 U.N.T.S. 277 adopted in 1948 and ratified by more than 120 nations further defines "genocide" as: "[a]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily injury or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring

about its physical destruction in whole or in part." The Convention goes on to note that "Persons committing genocide shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

288. The most recent examples of the international community including the United States re-adopting the Convention on Genocide's standard definition of genocide are the International Criminal Tribunal of the Former Yugoslavia ("ICTY") and the International Criminal Tribunal for Rwanda ("ICTR"). *See* Statute of the International Criminal Tribunal for the Former Yugoslavia ("Statute of the ICTY"), Art. 4 (adopted by the U.N. Security Council in Resolution No. 808 (May 3, 1993)), U.N. Doc. S/25704; Statute of the International Criminal Tribunal for Rwanda ("Statute of the ICTR"), Art. 2 (adopted by the U.N. Security Council in Resolution No. 955), U.N. Doc. S/INF/50 (1994). The definition contained within the Statute of the ICTY and the Statute of the ICTR expand upon that articulated by the Convention on Genocide by criminalizing conduct that "[i]mpos[es] measures intended to prevent births within the group" and "[f]orcibly transferring children of the group to another group."

289. The international community has also adopted this expanded definition of genocide with the Rome Statute of the International Criminal Court ("The Rome Statute"). *See* The Rome Statute, U.N. GAOR, 52d Sess., Annex II, at 4, U.N. Doc. A/CONF.183/9 (1998), Art. 6. The Rome Statute has not been ratified by the United States for reasons unrelated to the definition of genocide; however, its adoption of definitions universally accepted within the international community through the Statute of the ICTY and the

Statute of the ICTR shows how this definition of genocide has become part of the "law of nations."

290. Genocide is a violation of the Law of Nations actionable under the ATCA for private actors. *Kadic v. Karadzic*, 70 F.3d 232 (2d Cir. 1995) (cited approvingly in *Sosa v. Alvarez-Machain*, 124 S.Ct. 2739, 2766 n.20 (2004).

291. Furthermore, On November 4, 1988 the Genocide Convention Implementation Act of 1987 (the Proxmire Act), Pub. L. 100-606, was signed into law by President Ronald Reagan. As stated in the text of Senate Resolution 307 (107th Congress, 2nd Session), by this action, the United States Code (18 U.S.C. § 1091) was amended "to criminalize genocide under the United States law." Senate Resolution 307 further called upon "the people and Government of the United States to rededicate themselves to the cause of bringing an end to the crime of genocide (as postulated under international law and with passage of this act under US law)."

292. The ten year campaign of terror carried out by extremist groups including but not limited to Hamas, AAMB, PIJ, and the PFLP against Israelis and Jews is nothing short of a genocidal campaign of terror.

293. Hamas' founding charter, titled "Mithaq Harakat al-Muqawamah al-Islamiyya" dated August 18, 1988, pledges the group to carry out armed struggle in order to destroy Israel and its Jewish citizens and to establish an Islamic Palestinian state in place of Israel. This genocidal ideology is laid out in a *hadith* – a traditional recitation of the sayings of the Prophet Mohammad and his companions not recorded in the Quran – which was adopted as Article 7 of its charter, and it reads: "The time will not come until Muslims

will fight the Jews (and kill them); until the Jews hide behind rocks and trees, which will cry: O Muslim! The Jew is hiding behind me, come on and kill him!"

294. Article 8, the slogan of the Hamas movement: "Allah is its goal, the Prophet its model, the Qur'an its Charter, jihad its path, and death for the cause of Allah its most sublime belief."

295. Article 13 states: "There is no solution for the Palestinian question except through jihad. All initiatives, proposals and international conferences are a waste of time and vain endeavors."

296. And Article 28 states: "Israel, Judaism and Jews challenge Islam and the Muslim people: 'May the cowards never sleep.'"

297. After his release from an Israeli prison and return to Gaza in October of 1997, Sheikh Ahmed Yassin, the founder and spiritual head of Hamas, declared that Israel must "disappear from the map." He added: "we have an aim and an enemy, and we shall continue our jihad against the enemy. A nation without a *jihad* is a nation without a purpose."

298. Abdel Majeed Shoman, chairman of the Arab Bank, was interviewed in the Jordanian newspaper *Al-Dustour* in July 2000. In this interview, Shoman echoed the views of Yassin and was quoted as stating, "for him a just solution would be the return of all Palestinian lands to their legitimate historical residents, i.e., the Palestinian people and the Arab nation. Shuman said he was against a Palestinian compromise [based on] a partial return [which included] the loss of some land, and that the Jews had no right to the land of Palestine."

299. The U.S. Department of Justice has described Hamas's charter as stating "that the purpose of Hamas is to create an Islamic Palestinian state throughout Israel by eliminating the State of Israel through violent jihad . . . Hamas is opposed to any peaceful solution to the Palestinian territorial conflict, as such a proposition is at odds with Hamas' stated goal of annihilating the State of Israel . . . ."

300. With the outbreak of the second *intifada*, Hamas and other Palestinian terrorist organizations – notably PIJ, the AAMB, and the PFLP – intensified the terror campaign of widespread and systematic suicide bombings and other murderous attacks within Israel, the West Bank and Gaza. Like Hamas, PIJ, AAMB, and PFLP are similarly committed to the destruction of the State of Israel. According to some estimates, attempted attacks have numbered approximately 21,000 and have targeted Jews and other civilians, resulting in the death and injury of thousands of individuals, mostly civilians.

301. Hamas, PIJ, AAMB, and PFLP are engaged in a campaign of genocide. These groups have killed citizens and non-citizens of the State of Israel and caused serious bodily injury and mental harm to citizens and non-citizens of the State of Israel with the intent to destroy the State of Israel. These acts fit squarely within the well-settled international law definition of genocide as set forth in the Genocide Convention.

302. Article 3 of the Convention on Genocide notes that among the acts which are punishable are "(a) Genocide, (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; and (e) Complicity in genocide."

303. The concept of complicit liability for conspiracy or aiding and abetting is well-developed in international law. Under International Law one is responsible for a crime which is committed when that party provides "knowing practical assistance or encouragement which has a substantial effect on the perpetration of the crime."

304. Under the Allied Control Council Law No. 10 (Dec. 20, 1945), criminal liability extends not only to principals who committed acts of genocide or war crimes but also those who were connected with any plans or enterprises involving the commission of such crimes.

305. Under The Agreement for the Prosecution and Punishment of Major War Criminals of the European Axis, and Establishing the Charter of the Military Tribunal, Article, 82 U.N.T.S. 279, "leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such a plan."

306. Cases emanating from the ICTY and the ICTR have confirmed that aiding and abetting is a concept duly ingrained in international law to provide a colorable claim pursuant to the jurisdiction conferred by the ATCA.

307. In 1793, the first among equals of the Founding Fathers President George Washington himself proclaimed that "whatsoever of the citizens of the United States shall render himself liable for punishment . . . under the law of nations, by committing, aiding or abetting hostilities . . . will not receive

the protection of the United States, against such punishment."

308. In 1795, the Attorney General of the United States echoed George Washington's proclamation: "The government does not seem bound to do more than has already been done by the President, who, by his proclamation of the 22nd of April, 1793, warned all citizens of the United States against all such proceedings" and went on to cite the proclamation.

309. In 1807, chief Justice Marshall wrote in the famous opinion of *Ex Parte Bollman and Ex Parte Swartwout* in the trial of two of Aaron Burr's co-conspirators that: "if war be actually levied, that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of the action, and who are actually leagued in the general conspiracy, are to be considered as traitors."

310. General federal common law also recognizes complicit liability under theories of Joint Venture liability, Agency, and Reckless Disregard.

311. The Comments to the *Restatement (Second) of Torts* § 876 state, "Advice or encouragement to act operates as a moral support to a tortfeasor and if the act encouraged is known to be tortious it has the same effect upon the liability of the adviser as participation or physical assistance. If the encouragement or assistance is a substantial factor in causing the resulting tort, the one giving it is himself a tortfeasor and is responsible for the consequences of the other's act.

312. Under Joint Venture liability, each member of the joint venture is liable for the acts of its co-venturers. By allowing Hamas to maintain bank

accounts and supervising the disbursement of funds to the families of genocidal murderers and maimers from Hamas, PIJ, AAMB, PFLP and others, the Arab Bank, PLC, had entered into a joint venture with these actors thus subjecting it to liability for the acts of its co-venturers. In this instance, these were acts conducted in furtherance of a plan of genocide against the State of Israel devised by Hamas, PIJ, AAMB, PFLP and others. This plan was known by the Arab Bank, PLC, and the acts performed by Arab Bank, PLC, were performed with the intent to further the genocidal goals of its co-venturers.

313. Under reckless disregard, Arab Bank, PLC would be liable to Plaintiffs if it may be shown that the bank acted in the face of an unjustifiably high risk of harm to Plaintiffs or that it had actual knowledge of the substantial risk posed to Plaintiffs which it disregarded to the detriment of the Plaintiffs. Here, Arab Bank, PLC was well aware of the genocidal goals of PIJ, Hamas, AAMB, and PFLP. Nevertheless, it provided funds to the families of the genocidal murderers and maimers of these organizations thus incentivizing additional acts in furtherance of these genocidal goals with disregard for the substantial risk posed to the Plaintiffs.

314. Arab Bank aided and abetted, intentionally facilitated, was complicit in, and/or recklessly disregarded the planning, preparation or execution of genocide by providing organized and systematic financial and other practical assistance, encouragement or moral support which had a substantial effect on the perpetration of genocide, with knowledge that its actions would assist Hamas, PIJ, AAMB, and PFLP in the commission of genocide.

WHEREFORE, Plaintiffs, who are aliens, demand judgment in their favor against Defendant and demand damages in an amount to be determined by a jury, not less than the statutory amount of $75,000, for damages arising out of wrongful death, survival, loss of consortium, loss of solatium, and/or loss of services, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendant from ever again contributing to facilitating or aiding and abetting a campaign of genocide against the people of the State of Israel in violation of the law of nations and to prevent the Defendant's reckless disregard of the campaign of genocide against the people of the State of Israel in violation of the law of nations.

COUNT FIVE

AIDING AND ABETTING, INTENTIONALLY FACILITATING, AND/OR RECKLESSLY DISREGARDING CRIMES AGAINST HUMANITY IN VIOLATION OF INTERNATIONAL LAW

315. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

316. The suicide bombings and other murderous attacks committed by PIJ, Hamas, AAMB, and PFLP against Plaintiffs and the unarmed Israeli population constitute a crime against humanity in violation of the law of nations.

317. Strong condemnation of crimes against humanity rests on a clear and definite norm of international law which is universally accepted by the civilized world. *See, e.g,* Charter of the International Military Tribunal, Aug. 8, 1945, art. 6I, 59 Stat. 1546, 1547, E.A.S. NO. 472, 82 U.N.T.S. 284; Statute of the ICTY, Art. 5;

Statute of the ICTR, Art. 3; *see also* The Rome Statute, Art. 7.

318. Crimes against humanity are likewise defined with a specificity sufficiently comparable to international law violations that were familiar when the Alien Tort Statute ("ATS"), 28 U.S.C. § 1350, was enacted. The core elements of a crime against humanity in violation of international law, as codified in the above sources and recognized in international law generally, are murder and other heinous acts against human life, physical welfare, and dignity that are undertaken as part of a widespread or systematic attack against a civilian population. These crimes are punishable whether committed in peacetime or in war.

319. Starting on or about October, 2000, PIJ, Hamas, AAMB, and PFLP engaged in numerous suicide bombings and other murderous attacks that were part of a systematic and widespread attack on a civilian population, in which they murdered and seriously injured Plaintiffs, several thousand innocent Israeli civilians and foreign visitors to Israel, in furtherance of the overarching goal of toppling Israel and persecuting and completely destroying Plaintiffs and the Israeli population.

320. PIJ's, Hamas', AAMB's, and PFLP's suicide bombings and other murderous attacks were systematically committed. Their suicide bombings and other murderous attacks required a high degree of careful planning, coordination, funding, and orchestration by and between PIJ, Hamas, AAMB, PFLP and others, such as Arab Bank, PLC. Suicide bombings and other murderous attacks also involve recruitment, the provision of explosives, the targeting of Plaintiffs and other members of the Israeli civilian population, and payments to families of suicide bombers.

321. PIJ's, Hamas', AAMB's, and PFLP's suicide bombings and other murderous attacks were widespread in nature. Plaintiffs and the entire Israeli civilian population were targeted and thousands of unarmed innocents were injured or killed. Suicide bombings and other murderous attacks have taken place in public and private locations, during the day and night, and have involved attacks against men and women, both young and old, and children. In addition to the suicide bombings that were carried out, hundreds of similar suicide bombings have been thwarted prior to implementation.

322. PIJ's, Hamas', AAMB's, and PFLP's suicide bombings and other murderous attacks therefore constitute a violation of the law of nations as they are crimes against humanity.

323. Arab Bank, PLC knowingly, intentionally and directly aided and abetted, intentionally facilitated, and/or recklessly disregarded crimes against humanity in violation of the law of nations. Aiding and abetting and/or joint venture and reckless disregard are actionable claims pursuant to the ATCA. *See supra.* paras. 254-264.

324. Arab Bank helped to develop the financial system that provided monetary incentives to members of PIJ, Hamas, AAMB, and PFLP to engage in crimes against humanity.

325. Arab Bank regularly accepted millions of dollars in deposits from state-sponsored charities, official state donations, and private contributions, with actual knowledge and awareness that these same funds were raised and deposited for the sole purpose of supporting Palestinian genocidal murderers and maimers and their families; routed these same deposits into bank

accounts created and maintained by government mandate and official government policy; transferred funds from those accounts to other participating banks; and disbursed those funds to, among others, Palestinian genocidal murderers and maimers and their families, as well as the families of prisoners, who as members of PIJ, Hamas, AAMB, and PFLP, committed crimes against humanity against Plaintiffs, other Israeli civilian and foreign visitors to Israel.

326. At all times, Arab Bank knew that its receipt, transfer, and disbursement of Account 98 and Account 90 funds were being paid to families of members of PIJ, Hamas, AAMB, and PFLP, and that these same militants carried out indiscriminate suicide bombings and other murderous attacks against Plaintiffs, other Israeli civilians and foreign visitors to Israel.

327. Arab Bank aided and abetted, intentionally facilitated and/or recklessly disregarded the planning, preparation or execution of the crimes against humanity by providing organized and systematic financial and other practical assistance, encouragement or moral support which had a substantial effect on the perpetration of crimes against humanity, with knowledge that their actions would assist Hamas, PIJ, AAMB, and PFLP in the commission of crimes against humanity.

328. Plaintiffs and their family members suffered death or serious physical and/or mental injuries as a proximate result of Arab Bank's conduct.

WHEREFORE, Plaintiffs, who are aliens, demand judgment in their favor against Defendant and demand damages in an amount to be determined by a jury, not less than the statutory amount of $75,000, for damages

arising out of wrongful death, survival, loss of consortium, loss of solatium, and/or loss of services, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendant from ever again engaging in crimes against humanity against the people of the State of Israel in violation of the law of nations.

COUNT SIX

ASSISTING IN THE INTENTIONAL INJURY OF OTHERS BY A THIRD PARTY

329. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

330. Defendant knew, or should have known, that the funds deposited in the specific accounts established and maintained by it, and discussed herein throughout, were being used to support, encourage, entice and make possible the suicide bombings and other murderous attacks described herein.

331. Through both its actions and its inactions, Defendant allowed its facilities to be used by Hamas, AAMB, PIJ, PFLP, and other terrorist organizations and their supporters in order to support, encourage, entice and make possible the intentional and foreseeable acts of those groups including, but not limited to, its campaign of genocide, war crimes, crimes against humanity, and other heinous acts of international terrorism described herein.

332. Defendant's actions and inactions served to create an unreasonable risk of harm to others including but not limited to the Plaintiffs, victims of the suicide bombings and other murderous attacks, and their families, through the foreseeable acts of Hamas,

AAMB, PIJ, PFLP and other terrorist organizations and their supporters.

333. At the time of its conduct, Defendant realized or should have realized the likelihood that the accounts were being used in such a way, and that Hamas, AAMB, PIJ, PFLP and other terrorist organizations, as well as their supporters, might avail themselves of the opportunity to commit such a tort or crime.

334. As a result of the foregoing Plaintiffs have been damaged in an amount not less than the statutory amount of $75,000.

WHEREFORE, Plaintiffs demand judgment as follows:

1. Against Defendant, for compensatory damages in favor of each of the Plaintiffs in an amount to be determined at trial but not less than $75,000.

2. Against Defendant in favor of all Plaintiffs who are U.S. nationals for treble damages pursuant to 18 U.S.C. § 2333.

3. Against Defendant in favor of all Plaintiffs who are not U.S. nationals for punitive damages in an amount sufficient to prevent the Defendant from ever again supporting, encouraging, enticing, rewarding, carrying-out and making possible terrorist or similar acts.

4. Against Defendant in favor of Plaintiffs for any and all costs incurred in connection with the prosecution of this action, including reasonable attorney's fees.

5. Such other and further relief as justice requires.

COUNT SEVEN

RECKLESS DISREGARD

335. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

336. Defendant knew, or should have known, that the funds deposited in the specific accounts established and maintained by it, and discussed herein throughout, were used to support, encourage, entice and make possible the suicide bombings and other murderous attacks described herein. As a result, Defendant was aware, or should have been aware, of a risk so great that it was highly probable that serious harm and/or death could result from their acts in collecting and distributing such funds.

337. Defendant recklessly disregarded this known and substantial risk thereby setting in motion the suicide bombings and other murderous attacks that were foreseeable to Defendant and which were the direct and proximate cause of the injury and/or death of Plaintiffs and/or their decedents.

338. As a result of the foregoing Plaintiffs have been damaged in an amount not less than the statutory amount of $75,000.

WHEREFORE, Plaintiffs demand judgment as follows:

2. Against Defendant, for compensatory damages in favor of each of the Plaintiffs in an amount to be determined at trial but not less than $75,000.

3. Against Defendant in favor of all Plaintiffs who are U.S. nationals for treble damages pursuant to 18 U.S.C. § 2333.

4. Against Defendant in favor of all Plaintiffs who are not U.S. nationals for punitive damages in an amount sufficient to prevent the Defendant from ever again supporting, encouraging, enticing, rewarding, financing, carrying-out and making possible terrorist or similar acts.

5. Against Defendant in favor of Plaintiffs for any and all costs incurred in connection with the prosecution of this action, including reasonable attorney's fees.

6. Such other and further relief as justice requires.

COUNT EIGHT

WRONGFUL DEATH

339. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

340. Plaintiffs herein bring this consolidated action pursuant to F.R.C.P. 42 for the wrongful death proximately caused by the Defendant engaging in, materially supporting or sponsoring, financing, aiding and abetting, scheming and/or otherwise conspiring to commit or cause to occur acts of murder and wrongful death, specifically, the suicide bombings and other shockingly egregious acts of international terrorism discussed herein.

341. Surviving family members or estates of those wrongfully killed are entitled to recover damages from Defendant for these illegal and wrongful deaths. The family members or estates are entitled to recover full damages incurred, as fair and just compensation for the injuries resulting from these wrongful deaths.

Those responsible for these deaths must be held accountable for the losses incurred.

342. The injuries and damages suffered by the Plaintiffs were proximately caused by the intentional, malicious, reckless, criminal, violent, grossly negligent or negligent acts of the Defendants as described herein.

343. As a direct and proximate result of the wrongful deaths of the decedents, their heirs and families have suffered financially and been deprived of all future aid, income, assistance, services, comfort, companionship, affection and financial support of their loved ones.

344. As a direct and proximate result of Arab Bank's conduct in knowingly, intentionally and directly aiding and abetting, intentionally facilitating, and/or recklessly disregarding the intentional commission of murderous suicide bombings by PIJ, Hamas, AAMB, and PFLP against plaintiffs resulting in the wrongful death of decedents, the heirs and families of those murdered suffer and will continue to suffer permanent, physical and emotional distress, severe trauma, and lasting physical, emotional, and psychological injuries.

345. As a further result of intentional, willful, wanton, malicious, reckless, criminal, negligent, wrongful, illegal and tortious acts and conduct of Arab Bank, the Plaintiffs have incurred actual damages including but not limited to ongoing medical expenses related to psychological trauma, physical injuries, and other expenses and losses for which they are entitled to full and fair recovery.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendant in an amount in an amount

to be determined by a jury, not less than the statutory amount of $75,000, plus interest, costs, fees and such other monetary and equitable relief as this Honorable Court deems appropriate to compensate and deter Defendants from ever again committing acts of international terrorism.

COUNT NINE

SURVIVAL

346. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

347. As a result of the intentional, malicious, reckless, criminal, grossly negligent and negligent acts of Defendant as described herein, those killed in the murderous attacks described herein, were placed in a severe, often prolonged, extreme, traumatic, apprehension of harmful, offensive unwarranted bodily contact, injury and assault. Those murdered suffered intensely severe and offensive harmful bodily contact, personal injury and battery; including but not limited to extreme fear, terror, anxiety, emotional and psychological distress, knowledge of pending death and physical and emotional trauma, intentionally inflicted physical pain. Decedents were mentally, physically and emotionally damaged, harmed, trapped, and falsely imprisoned prior to their personal physical injury and deaths.

348. As a result of Defendant's criminal and tortious conduct, those killed suffered damages including pain and suffering, severe trauma, fear, anxiety, permanent physical and emotional distress, ultimate loss of life and life's pleasures, companionship and consortium, loss of family, career, earnings and earning capacity, loss of accretion to their estates, and other immeasurable items of damages to be shown at trial.

Plaintiffs herein seek and are entitled to survival damages for those tortured and killed in these suicide bombings and other murderous attacks.

WHEREFORE, Plaintiffs demand judgment in their favor against Arab Bank, in an amount to be determined by a jury, not less than the statutory amount of $75,000, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants from ever again committing such terrorist acts.

COUNT TEN

NEGLIGENT AND/OR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

349. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

350. Arab Bank knowingly, intentionally and directly aided and abetted, intentionally facilitated, and/or recklessly disregarded the intentional commission of suicide bombings and other murderous attacks by PIJ, Hamas, AAMB, and PFLP which resulted in the decedents' deaths and substantial emotional injuries to the personal injury plaintiffs, and their family members.

351. Arab Bank intended or knew or should have known, that its conduct would lead to the killing of or injury to innocent persons and resulting severe emotional distress. Arab Bank intended, knew, or should have known that the suicide bombings and other murderous attacks committed by PIJ, Hamas, AAMB, and PFLP would kill, maim, and/or permanently injure innocent people, leaving devastated family members

to grieve for their losses with ongoing physical, psychological and emotional injuries and ongoing post traumatic stress disorder.

352. The actions of Arab Bank were unconscionable and done with an intentional, malicious, willful, and/or reckless disregard for the rights and lives of those murdered, those injured, and the surviving family members.

353. As a direct and proximate cause of Arab Bank's intentional misconduct and/or reckless disregard for human life, Plaintiffs have suffered and will continue to suffer severe, debilitating, permanent emotional, physical and psychiatric disorders, ongoing emotional distress and anxiety, physical and mental distress, and significant mental injury and impairment causing ongoing and long-term expenses for medical treatment, services, and counseling and long-term care, particularly for all minor Plaintiffs.

354. Arab Bank, by engaging in this intentional, unlawful conduct, intentionally, grossly negligently, or negligently inflicted emotional distress upon the Plaintiffs.

WHEREFORE, Plaintiffs demand judgment in their favor against Arab Bank in an amount to be determined by a jury, not less than the statutory amount of $75,000, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants from ever again committing acts of international terrorism.

JURY DEMAND

Plaintiffs demand trial by jury on all issues so triable.

Respectfully Submitted,

/S/

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Dated: February 25, 2005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case Number: 04-CV-5564

ORAN ALMOG, et al.,

Plaintiffs,

v.

ARAB BANK, PLC,

Defendant.

DECLARATION OF ERIC A. POSNER

I, Eric A. Posner, declare as follows:

Introduction

1. I have been asked to provide my opinion on the questions referred to in paragraph 4 below, in the form of a Declaration, to Winston and Strawn LLP, Attorneys at Law acting on behalf of Arab Bank plc. Arab Bank is a defendant in proceedings brought against it by Oran Almog, *et al.*, and Gila Afriat-Kurtzer, *et al.* Allegations with respect to Arab Bank are identical in the two proceedings.

Qualifications and Experience

2. I am Kirkland and Ellis Professor of Law at the University of Chicago. I graduated from Harvard Law School in 1991, and began teaching in 1993. I specialize in international law. I teach courses in this field (public international law, foreign relations law, theories of international law, international law

workshop), and I have written one book (*The Limits of International Law,* with Jack Goldsmith, Oxford University Press, 2005) and numerous articles on various aspects of international law, which have appeared in the Stanford Law Review, University of Chicago Law Review, Virginia Journal of International Law, and other journals. My c.v. is annexed.

Background

3. My understanding on the basis of information in the Complaints is as follows. Plaintiffs are citizens of Israel and other countries who allege that they or their family members were victims of terrorist attacks carried out by various militant organizations or individuals on Israeli or Israeli-controlled territory, which resulted in tragic loss of life and horrific injuries. Arab Bank is based in Amman, Jordan. The plaintiffs allege that Arab Bank maintained accounts for, or transferred money for the benefit of accounts belonging to, front organizations of terrorist groups, and that Arab Bank knew, or should have known, that its banking services were benefiting the terrorist groups. The plaintiffs also allege that Arab Bank acted in concert with other institutions and groups, to create an incentive scheme that induced individuals to become suicide bombers by providing funds to: their families after their deaths.

The Questions

4. I have been asked to answer the following questions. (i) Is a bank's provision of banking services of the type alleged in the Complaints a violation of customary international law? (ii) Is a bank's alleged provision of banking services to various militant groups that have committed violent acts in the state of

Israel an act of genocide or complicity in genocide? (iii) Does a bank, by allegedly transferring funds after the fact to the families of suicide bombers with the purported intent to provide an incentive for such activity, violate customary international law by aiding or abetting crimes against humanity, including genocide?

Summary of Opinion

5. I am of the opinion that none of the acts described in paragraph 4 is a violation of customary international law.

Legal Background

6. International law comes from two main sources: (i) treaties and (ii) customary international law.[1] Treaties are explicit, written contracts between nations. Customary international law "results from a general and consistent practice of states followed by them from a sense of legal obligation." Restatement (Third) of Foreign Relations § 102(2) (1987). Customary international law thus has two elements: "state practice" and what is usually called "opinio juris," that is, the sense of legal obligation.

7. State practice refers to the actual practices of states. A norm of customary international law can exist only if states comply with it. Perfect compliance is not necessary. A state can, on occasion, violate a norm of customary international law without at the same time undermining the existence of the norm. But noncompliance must be sporadic. If states frequently

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[1] The Alien Tort Statute refers to the "law of nations;" courts and commentators now refer to "customary international law" instead of "law of nations," but the meaning is roughly the same.

fail to comply with an asserted norm of customary international law, that norm cannot be said to exist.

8. Opinio juris refers to the attitude of the states. A state may comply with an asserted norm of customary international law for political reasons, or for reasons of comity, but if not out of a sense of legal obligation, then the norm does not exist. Diplomatic, judicial, and other official statements may establish whether a state acts out of a sense of legal obligation or for some other reason. States that persistently object to a norm of customary international law are not bound by it.

9. To determine whether the elements of state practice and opinio juris exist, courts traditionally consult international conventions and treaties; international custom; general principles of law; the declarations of governments; and (as a subsidiary means) the writings of scholars. *See* ICJ Statute, June 26, 1945, Art. 38, 59 Stat. 1055, 1060, U.S.T.S. 993. Treaties may reflect a norm of customary international law to the extent that they show that state parties, recognize a norm of international law and comply with it. "However, a treaty will only constitute *sufficient proof* of a norm of customary international law if an overwhelming majority of States have ratified the treaty, *and* those States uniformly and consistently act in accordance with its principles." *Flores v. Southern Peru Copper Corp.*, 343 F.3d 140, 162-63 (2d Cir. 2003).

10. Customary international law, like treaty-based international law, mainly applies to states and not to individuals or private entities. There are a few exceptions to this general rule, however. Prior to World War II, the main exception was piracy. Individuals who committed piracy violated

international law. As a matter of customary international law, any state could try and punish people for committing piracy, regardless of the nationality of the defendants or the victims, or the location of the piratical acts. A common explanation for this rule was that no state had sovereignty over the high seas, and thus states implicitly agreed that any state could prosecute any other state's national for committing piracy on the high seas. Piracy was deemed a violation of customary international law because all civilized states condemned piracy and prosecuted pirates without regard to the nationality of defendants or victims, or the location of the offense. The norms against piracy and related acts were detailed and elaborate, and interpreted consistently by the nations of the civilized world. *See United States v. Smith,* 18 U.S. 153 (1820).

11. After World War II, the number of international crimes recognized by customary international law increased. This development began with the Nuremberg Trials of Major War Criminals. The German defendants were prosecuted for war crimes and crimes against humanity, and held individually liable for these acts. The next step was the Universal Declaration of Human Rights, which, although not legally binding, showed that states believed that the protection of human rights was a matter of international concern. Over the next several decades, most states signed and ratified a series of legally binding human rights treaties, including the Genocide Convention, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, these treaties

generally applied against states, not against individuals, and to the extent that they applied to individuals, they applied to individuals who were acting under state law. The treaties themselves did not create private rights of action. For this reason, plaintiffs bringing cases under the Alien Tort Statute have generally not argued that their cause of action is based on a treaty, but on a norm of customary international law. Treaties and other international agreements are relied on mainly as "evidence of an emerging norm of customary international law . . . ." *Filártiga* v. *Pefia-lrala,* 630 F.2d 876, 880 n.7 (2d Cir. 1980); *see also Kadic* v. *Karadiic,* 70 F.3d 232, 238 n.l (2d Cir. 1995); *Sosa* v. *Alvaraz-Machain,* 124 S. Ct. 2739, 2767 (2004).

12. In principle, identification of customary international law norms that create individual criminal liability continues to require satisfaction of both elements of the definition of customary international law: state practice and opinio juris. Thus, under traditional international legal reasoning, customary international law prohibits individuals from engaging in certain behavior only if states both prohibit this behavior and express a sense of legal obligation to prohibit this behavior This does not mean that the norm is never violated. The court in *Filártiga* found a customary "international law norm against official torture, for example, even though it acknowledged that in many states official torture occurred. *Filártiga,* 603 F.2d, at 884 & n.l5. In *Sosa,* the Supreme Court agreed "that violations of a rule [do not] logically foreclose the existence of that rule as international law . . . . Nevertheless, that a rule is as far from full realization as the one [asserted in the *Sosa* case] is evidence against its status as binding law . . . . " *Sosa,* 124 S. Ct., at 2769 n.29. Other courts

have emphasized that the state practice requirement remains valid. *See, e.g., Flores,* 343 F.3d at 162-63,167.

13. Last year the Supreme Court further clarified the means by which norms of customary international law are to be identified for the purpose of the Alien Tort Statute. The Court said that "federal courts should not recognize private claims under federal common law for violations of any international law norm with less definite content and acceptance among civilized nations than the historical paradigms familiar when § 1350 [the Alien Tort Statute] was enacted." *Sosa,* 124 S. Ct. at 2765. The Court offered the example of piracy, discussed above, and found that the asserted norm in the *Sosa* case – against arbitrary arrest – was not in fact a norm of customary international law of sufficient definiteness. The Court did not repudiate the *Filártiga* court's finding that official torture violates customary international law, nor the finding of another American court that there are international law norms against genocide (whether an official or private act), certain war crimes, and summary execution (if an official act). *Kadic,* 70 F.3d, at 241-44.

Financing of Terrorist Operations

14. The first question is whether the alleged provision of banking services to militant groups, allegedly with knowledge of their violent activities, is an offense under customary international law, in the same way that piracy and genocide are. The problem with the claim that a norm against terrorist financing exists, and exists with sufficient definiteness, is that "terrorism" has never been a well-defined offense in international law. As recently noted by the Second Circuit Court of Appeals, "there continues to be strenuous disagreement among States about what

actions do or do not constitute terrorism, nor have we shaken ourselves free of the cliché that 'one man's terrorist is another man's freedom fighter.'" *U.S.* v. *Yousef*, 327 F.3d 56, 107 (2d Cir. 2003); *see also Tel-Oren* v. *Libyan Arab Republic*, 726 F.2d 774 (D.C. Cir. 1984).

15. The Complaints cite several international documents that, they argue, show that customary international law norms against terrorism and terrorist financing have evolved. However, these documents establish no such thing.

16. In 2002, The International Convention for the Suppression of the Financing of Terrorism, G.A. Res. 54/109, U.N. GAOR, 54th Sess., 76th mtg., Supp. No. 49, U.N. Doc. A/Res/53/108 (1999), entered into force. The Convention makes it an offense to "provide[] or collect[] funds with the intention that they should be used or in the knowledge that they are to be used . . . in order to carry out: (a) An act which constitutes an offense within the scope of and as defined in one of the treaties listed in the annex; or (b) Any other act intended to cause death or seriously bodily injury to a civilian . . . when the purpose of such act . . . is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act." *Id.*, Art. 2(1). The treaties listed in the annex create various offenses: for example, the International Convention for the Suppression of Terrorist Bombings prohibits certain types of terrorist bombings. Thus, the Convention for the Suppression of the Financing of Terrorism prohibits the financing of these types of terrorist bombings.

17. Like most treaties, the Convention created new treaty-based legal obligations on the part of states. Under the Convention, states "shall adopt such

measures as may be necessary . . . to establish as criminal offences under its domestic law the offences set forth in article 2 . . . ." *Id.*, Art. 4(a). Compliance with the treaty mainly takes the form of governments enacting new domestic criminal law that incorporates the treaty's provisions.

18. The Convention did not purport to recognize existing customary international law. Some treaties do, or purport to, recognize existing customary international law. For example, the Genocide Convention, Art. 1, says that "The Contracting Parties *confirm* that genocide . . . is a crime under international law . . . " (emphasis added). The Convention for the Suppression of the Financing of Terrorism, by contrast, creates a new offense, and stipulates that it will be enforced by states, which are to include that offense in their criminal codes.

19. In addition, the fact that parties are permitted to enter reservations limiting their obligations under the Convention shows that the states did not recognize these obligations as norms of customary international law whose legal force predated the Convention's entry into force, as states are not permitted to unilaterally exclude themselves from existing norms of customary international law. *See* North Sea Continental Shelf Cases, 1969 ICJ Reports 4, 38-39. The language in the treaty thus shows that prior to 2002 states recognized no norm of customary international law that prohibited terrorist financing. Indeed, just a few years earlier, the drafters of the Rome Statute refused to give the International Criminal Court jurisdiction over terrorism on the ground that terrorism is less serious than the crimes against humanity that would be the focus of the court's work. *See* Geoffrey

Robertson, Crimes Against Humanity 358 (2d ed. 2002).

20. Thus, for there to be a customary international law norm against terrorist financing today, it would have to be the case that the Convention helped establish a *new* norm of customary international law – that, in effect, the drafting of the Convention provoked or encouraged states to recognize a new norm. Proof of such a new norm would exist only if "an overwhelming majority of States have ratified the treaty, *and* those States uniformly and consistently act in accordance with its principles." *Flores*, 343 F.3d, at 162-63 (emphasis in original). It would have to be shown that the norms incorporated in the treaty are sufficiently definite to be customary international law. And it would have to be shown that state practice has converged with extraordinary rapidity, as it has been only a few years since the Convention entered into force. None of these showings have been made.

21. More than 130 states are parties to the Convention, but there are 191 states in existence. The majority is large but not overwhelming. But even more troublesome is the fact that not even the ratifying states agree on a definition of terrorist financing. The Convention makes it an offense to finance an offense defined in one of the nine treaties listed in the Convention's annex, but also allows states, by declaration, to avoid being legally obligated to recognize offences in treaties they have not ratified. Numerous states have done just this. For example, France has not ratified the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents, and accordingly has declared that it is not bound to recognize the offences defined in this

treaty in the application of the Convention for the Suppression of the Financing of Terrorism.[2] Thus, there remains great controversy over what forms of terrorist financing are, and ought to be, banned by international law.

22. Although many states have been able to agree on a treaty that prohibits terrorist financing, and on various treaties that prohibit specific terrorist-related acts like hijacking, they have not been able to agree on a general treaty that prohibits all forms of terrorism because of fundamental disagreements about the nature of terrorism. Negotiations have dragged on for years, but have not been able to overcome several stumbling blocks. States have not been able to agree on whether "terrorism" includes (i) violent acts committed in the course of armed struggle against a foreign occupation; (ii) violent acts performed by established armed forces, but in violation of international law; and (iii) violent acts against soldiers (as opposed to civilians), such as those committed by the Irish Republican Army against British soldiers. The Arab Convention for the Suppression of Terrorism, for example, exempts from its definition of terrorism "[a]ll cases of struggle by whatever means, including armed struggle, against foreign occupation and aggression for liberation and self-determination, in accordance with the principles of international law." Art. 2(a). A similar exception can be found in the Organization of African Unity's Convention on the Prevention and Combating of Terrorism, Art. 3(1), and the Convention of the Organization of The Islamic Conference on Combating International Terrorism,

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[2]Available at: http://untreaty.un.org lENGLISHlbible /englishinternetbible/partI/chapter XVIII/treaty II.asp.

Art. 2(a). *See generally* Alexandra V. Orlova and James W. Moore, "Umbrellas" or "Building Blocks"?: Defining International Terrorism and Transnational Organized Crime in International Law, 27 Houston J. Int'l L. 167 (2005). These controversies about the definition of terrorism are ongoing, and show that even though many states have ratified the Convention on the Suppression of Terrorist Financing, albeit with significant reservations, there is not yet universal agreement on the meaning of terrorism, which is necessary for a norm establishing individual criminal liability for terrorism to become a part of customary international law.

23. In sum, the Convention for the Suppression of Financing of Terrorism created a new international obligation on the part of many but not all states to, among other things, pass domestic laws that criminalize the financing of certain acts of terrorism, but it did not create or reflect an international consensus concerning what terrorism is or the specific types of conduct, including the provision of banking services, that are prohibited.

24. The Security Council of the United Nations has issued numerous resolutions related to the financing of terrorism. The technical legal effect of these resolutions was to encourage or oblige states to take certain actions, for example, against certain terrorist organizations and their state sponsors. The resolutions did not purport to create an international crime of financing terrorism. The resolutions do not show that states already recognized the existence of such a crime in customary international law. Most of the resolutions refer to the terrorist activities of two specific groups – the Taliban and al Qaeda (Resolutions 1267, 1333, 1363, 1390, 1455, 1456, 1526)

– and thus did no more than establish a moral and political judgment of the international community that these two groups posed a threat to international security. These two groups are not involved in the current proceedings, and thus the relevance of these resolutions is highly questionable. That the members of the Security Council could agree that al Qaeda's activities constituted terrorism and a threat to member states, and therefore that financing of al Qaeda's activities should be stopped, does not show that they could, or did, agree on a common definition of a crime of financing of terrorism. States that agreed that al Qaeda's activities constituted terrorism, for example, would not necessarily agree that the activities of Palestinian militants constitute terrorism. Indeed, the absence of Security Council resolutions condemning militant Palestinian groups for engaging in terrorism shows, by contrast, that there is no international consensus about the nature of their acts.

25. The other UN Security Council resolutions cited in the Complaints also provide no evidence of a customary international law norm that recognizes criminal responsibility for terrorist financing. Resolutions 1269, 1373, and 1377 condemn "terrorism," and its financing, without saying what terrorism is. Resolution 1373, like the Convention for the Suppression of the Financing of Terrorism, calls upon states to criminalize terrorist activity. Resolution 1456 calls upon states to become parties to the Convention and other treaties. Resolution 1535 reorganizes a counter-terrorism committee created by earlier resolutions. These resolutions show collectively that a number of states were concerned about various acts of terrorism and terrorism financing, but not that they agreed about the definitions or contours of the

acts in question, nor that they recognized any existing crime of terrorism financing in customary international law. Far from providing a clear definition of terrorism, the resolutions are vague and often hortatory.

26. Resolution 1373, which is typical of the resolutions cited in the Complaints, declares in ¶ 5 that "acts, methods, and practices of terrorism are contrary to the principles of the United Nations and that knowingly financing, planning, and inciting terrorist acts are also contrary to the purposes and principles of the United Nations." But the declaration does not purport to establish individual civil or criminal liability. It says nothing about civil or criminal liability, and does not define terrorism with the specificity required for customary international law. Instead, it calls upon states to take action against terrorism and terrorist financing. Such a declaration cannot establish civil or criminal liability for individuals under international law. Nondefensive wars without Security Council authorization also violate the purposes, principles, and rules of the United Nations, but there is no international consensus that Bill Clinton, George W. Bush, and numerous leaders of European nations are criminally liable under international law because they authorized such wars (the intervention in Kosovo and, more arguably, the recent invasion of Iraq).

27. The absence of a universally recognized definition of terrorism was recognized yet again just last month by the Secretary-General of the United Nations, who cited continuing disagreement on this issue as a threat to global security, and urged states to establish such a definition by treaty. Report of the Secretary-General, In Larger Freedom: Towards

Development, Security and Human Rights for All ¶ 91 (2005).[3]

28. In conclusion, treaties and Security Council resolutions show that states are slowly working toward a treaty regime that obliges states to enact domestic laws restricting certain kinds of terrorism and terrorist financing, and to cooperate with each other in pursuing certain kinds of terrorist suspects. Many issues have been worked out, but many more remain unresolved, including the issue whether the use of force in wars of national liberation amounts to terrorism. With so much continuing disagreement about the nature of terrorism, and, a fortiori, the nature of terrorist financing, there can be no customary international law norm, and certainly not a definite and widely accepted norm, recognizing individual criminal responsibility for providing banking services of the type alleged in the Complaints.

Aiding and Abetting Genocide

29. The second question is whether a bank's alleged provision of banking services to various militant groups that have committed violent acts in the state of Israel is an act of genocide or complicity in genocide.

30. Genocide is an international crime, recognized as such by customary international law. *See* Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide (Advisory Opinion), 1951 ICJ Reports 16. A large majority of

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[3] I also do not think that, given the lack of universal consent to the Bombing Convention, the accomplice liability provision of the Bombing Convention can be said to establish a customary international law norm that prohibits individuals from aiding and abetting terrorist bombings.

states have ratified the Convention on Genocide, and virtually all states condemn genocide.[4] As genocides are rare and isolated events, state practice is consistent with the claim that there is a norm against genocide.

31. The Convention on Genocide, Art. 2, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical [sic], racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." Although commentators have argued from time to time that genocide encompasses nearly any mass killing undertaken for political purposes, such a view is not supported by state practice or opinio juris. The core meaning of genocide remains the systematic destruction of a national minority. *See* William A. Schabas, Genocide in International Law ch. 3 (2000).

32. The Convention on Genocide, Art. 3, prohibits complicity in genocide. However, the Convention does not define "complicity," nor does any authoritative source, as far as I know. It might be that ordinary criminal law notions of complicity were supposed to be incorporated, but, if so, substantial evidence of subsequent opinio juris and state practice does not

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[4] Other international instruments provide evidence that states condemn genocide. including the statutes that created the international tribunals charged with adjudicating international crimes committed in Rwanda and the former Yugoslavia.

exist. Thus, there is no international consensus that acts like providing banking services of the type alleged in the Complaints, to people who are purported to be engaging in genocidal acts, should be considered complicity in genocide.

33. For a genocide to exist, the perpetrators must have the proper intent. They must intend to destroy a national, ethnic, racial, or religious group. What is the purpose of the Palestinian militants (or what are their purposes)? There are several possibilities.

34. One possibility is that the militants seek to expel Israel from the occupied territories. However, the use of violence by occupants of a territory against civilians in order to expel foreign occupiers cannot be considered an act of genocide. The purpose of the violence, however regrettable, is independence, not the destruction of a national, ethnic, racial, or religious group. A broad definition of genocide that encompassed the use of violence for purposes of national liberation would sweep in numerous national resistance movements, including Jewish resistance to British occupation of Palestine, local resistance to French colonial rule in Algeria and Vietnam, the struggle against Apartheid in South Africa, and the Irish Republican Army's resistance to British control of Northern Ireland. The activities of these groups have often involved a horrific level of violence, but states have not regarded these activities as genocidal.

35. Another possible purpose of the Palestinian militants is to overthrow the Israeli government and establish a Palestinian state where Israel currently exists. However, the use of violence even in order to overthrow a state cannot, without more, be considered genocide. As the International Court of Justice noted, when it rejected Serbia and Montenegro's argument

that the NATO intervention in the Balkan wars was genocide against the Serbs: "the threat or use of force against a State cannot in itself constitute an act of genocide." Legality of Use of Force (Serbia and Montenegro v. United Kingdom), 1999 ICJ 11, ¶ 35. Otherwise, the various attempts by Arab states to destroy the state of Israel since its founding would have to be considered attempted genocides. However, as far as I know, the international community has not accused (say) Egypt during the Yom Kippur War of attempting a genocide. There have been, throughout history, countless wars in which the aim of one state or group was to defeat and eliminate the political independence of another state. Only in a very few instances has the international community determined that the conflict was an act of genocide.

36. Even if the militants have genocidal intent, a genocide can exist only if certain acts are performed. It is clear that systematic and widespread murder of the kind that occurred during the Holocaust and in Rwanda can be genocidal, but aside from these and a few other extreme cases, there is no international consensus that genocide has occurred in other situations. One can only say that genocide may be implicated when a significant fraction of the protected group has been systematically killed. *See* Steven R. Ratner and Jason S. Abrams, Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy 38-39 (2d ed. 2001). As a recent illustration of the ambiguity of genocide, the United States government and a United Nations commission disagree about whether genocide has occurred, or is occurring, in Darfur, where tens of thousands of people have died.

37. In sum, a genocide exists under international law when the perpetrators intend the destruction of a group rather than independence or the overthrow of a government or political regime, and they engage in systematic and widespread killing of a protected group. The international community has been able to agree in rare and extreme instances that a genocide has occurred, but the norm against genocide is highly ambiguous outside these core cases. In addition, because the elements of complicity in genocide remain obscure, one cannot conclude that there is a definite norm of customary international law that specific acts such as the provision of banking services constitute aiding and abetting genocide.

Facilitating Payments to Families of Suicide Bombers

38. The question is whether a bank, by allegedly transferring funds after the fact to the families of suicide bombers with the purported intent to provide an incentive for such activity, violates customary international law by aiding or abetting crimes against humanity, including genocide.[5]

39. The modern concept of the crime against humanity originated in the Charter of the International Military Tribunal at Nuremberg.[6] The Charter defined crimes against humanity as: "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction

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[5] I will confine my discussion to crimes against humanity other than genocide, as I discuss genocide in the prior section.

[6] Some earlier precedents have not had much influence.

of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated." Art. 6(c). The definition suggests that the authors of the Charter had in mind the uniquely heinous acts of the Nazis, as the International Military Tribunal had jurisdiction only over crimes committed by the governments of Germany and the other Axis powers. The Charter did not apply to any other governments or countries, and it was signed only by the United States, the Soviet Union, France, and Britain. Although the Charter may have signaled an emerging sense among some nations that crimes against humanity ought to be condemned, it did not by itself establish new norms of customary international law.

40. Indeed, although specific types of crimes against humanity – including genocide and torture were subsequently prohibited by treaty, and thus *did* enter international law, crimes against humanity as a general category of international criminal liability were not subsequently established by a multilateral treaty that received universal consent. The closest thing to such a treaty was the Rome Statute of 1998, which gave the International Criminal Court jurisdiction over crimes against humanity. But this treaty did not receive universal consent. Indeed, it did not even receive the consent of the United States. Nor did it receive the consent of other major nations such as China, Russia, Japan, and India.

41. Before the Rome Statute was drafted, the United Nations Security Council established two tribunals with jurisdiction over crimes against humanity – the tribunal for the former Yugoslavia and the tribunal for Rwanda. Like the Nuremberg tribunal, these tribunals were established for the purpose of trying individuals who had participated in

specific conflicts whose brutality shocked the international community. The tribunals did not have jurisdiction over the acts of people who were not involved in these conflicts; thus, the statutes of the tribunals could not, by themselves, establish general norms of international law. Like the Nuremberg tribunal, the Yugoslavia and Rwanda tribunals showed that nations could agree on criminal liability for crimes against humanity in specific conflicts, but not on a general definition that could be applied in different settings .

42. Despite the weakness of the authorities, the scholarly community agrees that crimes against humanity have entered customary international law, and American courts apparently have accepted this view. Nonetheless, there is no scholarly or international agreement concerning the contours of these crimes. In particular, there remains controversy over the difference between an "ordinary" crime like murder and even mass murder, and a murder that counts as a "crime against humanity."

43. The legal authorities suggest several grounds for distinction. First, some authorities suggest that there must be a nexus with an armed conflict – that is, an interstate war (as opposed to an insurgency within a state) or at least a massive breakdown of civil order. The Nuremberg Charter, for all practical purposes, required such a nexus, as it was limited to crimes committed during World War II. The statute for the Yugoslavia Tribunal requires a "conflict," albeit of an "internal" as well as "international" character (Art. 5) – clearly a reference to the collapse of civil order in the Balkans. The statute for the Rwanda Tribunal does not require an armed conflict, but its jurisdiction extended only to the Rwanda conflict, which was a

massive civil war of a different character from that of the insurgency in Israel. The statute for the International Criminal Court does not require a nexus with an armed conflict but, as noted earlier, the ICC remains a controversial institution. Thus, it is not clear whether the nexus requirement still exists or has lapsed, and if it still exists, whether it can be satisfied with an internal conflict less violent than those that occurred in Yugoslavia and Rwanda. To the extent that the nexus requirement still exists, the acts described in the Complaints would not qualify as crimes against humanity because they arise in the context of a domestic insurgency.

44. Second, most authorities suggest that the activities that constitute crimes against humanity must be "committed as part of a widespread or systematic attack directed against any civilian population," in the words of The Rome Statute of the International Criminal Court, Art. 7(1). These terms have not been adequately clarified by international legal authorities. We know that the Nazis, the warring factions in the former Yugoslavia, and the Hutus in Rwanda committed crimes against humanity, and we know that the atrocities in these cases were systematic in the sense that they were meticulously planned and supervised by hierarchical authorities, carried out by numerous subordinates or citizens responding to orders or exhortation, and directed at large groups of people. But we do not know the dividing line between "systematic" and "unsystematic."

45. Third, early authorities suggested a state action requirement. At Nuremberg, it was assumed that perpetrators of crimes against humanity acted under the authority of one of the Axis governments. The Yugoslavia and Rwanda statutes do not require

state action, but the statutes applied to civil wars, where atrocities were committed at the behest of governments or political organizations seeking independence. The statute of the International Criminal Court, Art. 7(2)(a), requires a "state or organizational policy." The militant groups described in the Complaints are not states, nor do they seem akin to the highly organized political and military forces in Yugoslavia and Rwanda. And there is not an international consensus concerning the meaning of "organizational policy."

46. Although the broad language of the Yugoslavia and Rwanda statutes may seem at first sight to encompass the activities of the militant Palestinian groups, it must be remembered that those statutes apply only to the atrocities committed in those two places, and it is unclear that they should be interpreted as reflecting novel customary international law norms that apply more broadly. The failure of the International Criminal Court to obtain universal consent reinforces this doubt. So does the absence of any clear examples of members of conventional militant organizations being convicted of crimes against humanity outside of a civil war of the type that prevailed in Yugoslavia and Rwanda.

47. The opposite conclusion would imply that a radical change in customary international law norms has occurred in the last few years, and that in just a few years these norms have become definite and widely accepted. Historically, many insurgent groups have resorted to mass violence against civilians in order to achieve political ends. The historical record includes the African National Congress in South Africa during the Apartheid era, the Irish Republican Army in Great Britain, the Chechen separatists in

Russia, the Shining Path guerillas in Peru, and so forth. Although most nations have condemned the acts of these groups, there has not developed a consensus that these groups committed crimes against humanity in violation of international law. Indeed, no major nation state or international body, as far as I know, has asserted that the violent acts of the Palestinian militants are crimes against humanity. With such ambiguity about the contours of the crime against humanity as applied to mass killings (aside from genocide), one must conclude that, even if the core of the crime against humanity is relatively clear, the extent to which this crime can be applied to violent attacks launched by an insurgency outside the context of interstate conflict or civil war is far from definite.

48. Finally, it must be borne in mind that international law regulates matters that are of "mutual concern" to states. *Flores*, 343 F.3d at 155 n.23 (quoting Judge Friendly). It is clear that states do not regard all domestic crimes as matters of mutual concern, and care must be used in distinguishing those domestic crimes that properly remain within the domain of municipal law and those that rise to the level of international concern. Until the International Criminal Court's jurisdiction has been tested, we must recognize the possibility that although states have been able to agree that some extreme forms of official or quasi-official ethnic cleansing in certain settings – Nazi Germany, Yugoslavia, Rwanda, and now Darfur – may count as crimes against humanity, these rough judgments about extreme cases have not hardened into a norm of customary international law of sufficient definiteness to allow one to determine the extent of its application to less extreme settings involving chronic criminal activity, violent civil disorder, and insurgencies, but without the genocidal

element or the breakdown of civil order. The International Criminal Court has not decided its first case; it may be necessary to wait until it has built up a jurisprudence before we can make this determination.

49. To declare that the acts described in the Complaints are crimes against humanity would be to take the risk that the *Sosa* court warned against. The court noted with concern that Alvarez's proposed norm against arbitrary detention "would support a cause of action in federal court for any arrest, anywhere in the world, unauthorized by the law of the jurisdiction in which it took place . . . . " *Sosa,* 124 S. Ct., at 2768. Similarly, a finding that the acts alleged in the Complaints are crimes against humanity would support a cause of action in federal court for any chronic violent activity, and perhaps even large-scale organized crime, anywhere in the world including the crimes of Chechen separatists in Russia, of the Tamil Tigers in Sri Lanka, of narco-terrorists in Colombia and Bolivia, of the ETA in Spain, of Muslim insurgents in the Philippines, of Islamic terrorists in Afghanistan, Pakistan, Iraq, Algeria, Saudi Arabia, and Thailand, of Kashmiri separatists in India, of the Aum Shinrikyo cult in Japan, and of the various insurgent groups that plague many of the countries in Sub-Saharan Africa.

50. Despite the tragic ubiquity of violent insurgencies, the international community has been able to agree to create tribunals with the authority to find crimes against humanity in only a small number of cases – Nazi Germany, Japan, Rwanda, Yugoslavia, Sierra Leone, and a few others. There are, of course, practical and political reasons why more tribunals have not been created, but their paucity nonetheless

indicates the extraordinary difficulty of obtaining consensus about what constitutes a crime against humanity, and perhaps that the norm is exceedingly narrow, encompassing only the most heinous acts committed only for the worst of motives, and not (for example) out of opposition to foreign or colonial rule. Beyond such core crimes, the contours of the norm are highly indefinite. The creation of the International Criminal Courts suggests that states envision or hope that the norm may be developed in the future, but it is too soon to tell whether this will happen.

51. Even if the violent acts described in the Complaints were deemed to be crimes against humanity, the international community has not reached a consensus that acts like the alleged transferring of money to the families of the suicide bombers would constitute aiding and abetting such crimes. Given the lack of cases testing the definition of aiding and abetting crimes against humanity, I am unable to conclude that the conduct of Arab Bank alleged in the compliant would violate a widely accepted norm of sufficient definiteness prohibiting the aiding and abetting of crimes against humanity.

I declare under penalty of perjury under the laws of the United States of America that the above statements are true and correct.

Executed on April 12, 2005, in Chicago, Illinois.

s/ Eric A. Posner
Erica A. Posner